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सं. 19]
No. 19]

नई दिल्ली, शनिवार, मई 13, 1989/वैशाख 23, 1911
NEW DELHI, SATURDAY, MAY 13, 1989/VAISAKHA 23, 1911

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सार्वजनिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
the Ministry of Defence)

विधि एवं न्याय मंत्रालय
(विधि कार्य विभाग)

सूचना

नई दिल्ली, 27 अप्रैल, 1989

MINISTRY OF LAW AND JUSTICE
(Department of Legal Affairs)

NOTICE

New Delhi, the 27th April, 1989

का. प्रा. 1080 :—नोटरीज नियम, 1956 के नियम 6 के
अनुसूचना में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री
जी. सी. घोसाल, अधिवक्ता, कलकत्ता ने उक्त प्राधिकारी को उक्त
नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है
कि उसे पूरे भारत में (प. ब.) नोटरी का व्यवसाय करने के लिए
नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी
प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर
लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (21)/898-न्या.]

के. डी. सिंह, सक्षम प्राधिकारी

S.O. 1080.—Notice is hereby given by the Com-
petent Authority in pursuance of rule 6 of the
Notaries, 1956, that application has been made to
the said Authority, under rule 4 of the said Rules,
by Sri G. C. Ghosal Advocate—Calcutta-54. for
appointment as a Notary to practise in the whole
of India (WB).

2. Any objection to the appointment of the asid
person as a Notary may be submitted in writing
to the undersigned within fourteen days of the
publication of this Notice.

[No. F. 5(24)|89-Judl]

K. D. SINGH, Competent Authority

गृह मंत्रालय

नई दिल्ली, 28 अप्रैल, 1989

का. भा. 1081.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, केन्द्रीय रिजर्व पुलिस बल, गृह मंत्रालय के निम्नलिखित कार्यालय को, जिसमें 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

78 बटालियन, केन्द्रीय रिजर्व पुलिस बल।

[सं. 12017/1/89-हिन्दी]

मदन मोहन शर्मा, उप सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 28th April, 1989

S.O. 1081.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union), Rules, 1976, the Central Government hereby notifies the following office of the Central Reserve Police Force, Ministry of Home Affairs, where 80 percent staff has acquired working knowledge of Hindi :—

78 Battalion, Central Reserve Police Force.

[No. 12017/1/89-Hindi]

M. M. SHARMA, Dy. Secy.

(आन्तरिक सुरक्षा विभाग)

(पुनर्वास प्रभाग)

नई दिल्ली, 23 फरवरी, 1989

का. भा. 1082 :—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 34 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा निर्देश देती है कि उक्त अधिनियम की धारा 28 और 33 के अधीन दिल्ली और नई दिल्ली में सरकार द्वारा निर्मित संपत्तियों संबंधी पट्टे अथवा हस्तांतरण विलेख जारी करने और पट्टा विलेखों के बदलने, दिल्ली और नई दिल्ली में भूमि के अतिरिक्त टुकड़ों तथा सुआबजा पून के भाग की ऐसी संपत्तियों से जुड़े सुधारणीय क्षेत्रों के आवंटन के संबंध में इसके द्वारा प्रयोज्य शक्तियां गृहरी विकास मंत्रालय, भूमि प्रभाग के यथा आवश्यक, प्रभागी निर्देशक अथवा उप सचिव द्वारा भी प्रयोग की जाएगी, बशर्ते कि वह ऐसी किसी भी शक्तियों का प्रयोग नहीं करेगा जिनके अंतर्गत उसके द्वारा अन्य किसी धमना में, किसी मामले के संबंध में आदेश दिया गया हो।

2. इसने दिनांक 17-4-86 की अधिसूचना सं.-4 (42)/83-एस. एस.-II (ई.) का अधिक्रमण किया जाता है।

[सं-1 (2)/विशेष सेल-89-एस. एस.-II]

(Department of Internal Security)

(Rehabilitation Division)

New Delhi, the 23rd February, 1989

S.O. 1082.—In exercise of powers conferred by sub-section (1) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby

directs that powers exercisable by it under Sections 28 and 33 of the said Act, shall be exercisable also by the Director or Deputy Secretary in-charge of the Lands Division in Ministry of Urban Development as the case may be, in respect of issue of lease or conveyance deeds of Government built properties in Delhi and New Delhi and conversion of lease-deeds, allotment of additional strips of land and correctional areas adjoining such properties in Delhi and New Delhi and forming part of the compensation pool, subject to the condition that he shall not exercise any of such powers in relation to any matter in which an order has been made by him in any other capacity.

2. This supersedes Notification No. 4(42)/83-SS.II(E) dt. 17-4-1986.

[No. 1(2)/Spl.Cell/89-SS.II]

नई दिल्ली, 7 अप्रैल, 1989

का. भा. 1083 :—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 34 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निर्देश देती है कि उत्तर प्रदेश राज्य में सुआबजा पून की भूमि तथा संपत्तियों के संबंध में उक्त अधिनियम की धारा 33 के अधीन इसके द्वारा प्रयोग की जाने वाली सभी शक्तियां, उत्तर प्रदेश राज्य सरकार के राजस्व विभाग में विशेष सचिव अथवा इसके ऊपर के रैंक के अधिकारी द्वारा भी, अपने कार्य के अनिवार्य प्रयोग की जाएगी।

2. इसके द्वारा दिनांक 3-6-88 की अधिसूचना सं.-1 (8)/विशेष सेल/88-एस. एस.-II का अधिक्रमण किया जाता है।

[संख्या 1 (8)/विशेष सेल/88-एस. एस.-II]

कुलदीप राय, उप सचिव

New Delhi, the 7th April, 1989

S.O. 1083.—In exercise of the powers conferred by sub-section (i) of Section 34 of the Displaced persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby directs that any powers exercisable by it under Section 33 of the said Act shall be exercisable also by an Officer of not less than the rank of Special Secretary in the Revenue Department of the State Government of Uttar Pradesh, in addition to his own duties, in respect of the lands & properties forming part of the Compensation Pool within the State of Uttar Pradesh.

2. This Notification supersedes Notification No. 1(8)/Spl. Cell/88-SS.II, dated 3rd June, 1988.

[No. 1(8)/Spl.Cell/88-SS.II]

KULDIP RAI, Dy. Secy.

नई दिल्ली, 12 अप्रैल, 1989

का. भा. 1084 :—विस्थापित व्यक्ति (सुआबजा और पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 34 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मे. जी. पी. एस. मारी, मुख्य बंदोबस्त आयुक्त, विस्थापित व्यक्ति (सुआबजा और पुनर्वास)

नियम, 1955 के नियम 84-1 (क) के खंड (ख) के परंतुक के अधीन, सूचमें निहित शक्तियाँ, उक्त अधिनियम की धारा 9 के अधीन मुआवजे की अदायगी के लिए आवेदन-पत्र दाखिल करने में हुए विवाद को माफ करने के संबंध में प्रयोग करने के लिए श्री रतन लाल, अवसर सचिव को सौंपता है।

[सं०-1 (13)/विशेष सेल/88-एम. एस. -11]

जी. पी. एम. शाही, मुख्य बंदोबस्त आयुक्त

New Delhi, the 12th April, 1989

S.O. 1084.—In exercise of the powers conferred by Sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, Shri G. P. S. Sahi, Chief Settlement Commissioner, do hereby delegate to Shri Rattan Lal, Under Secretary, the powers vested in me under the proviso below clause (b) of Rule 84-1(A) of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, to be exercised by him in relation to condonation of delay in the filing of applications for payment of compensation under section 9 of the said Act.

[No.1(13)|Spl.Cell|88-SS.II]

G. P. S. SAHI, Chief Settlement Commissioner

(राजभाषा विभाग)

नई दिल्ली, 19 अप्रैल, 1989

का. प्रा. 1085 :—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, उर्वरक विभाग को जिनके कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. 12022/82/87—रा. भा. (ख-2)]

बी. अ. कोहली, उप सचिव

(Department of Official Language)

New Delhi, the 19th April, 1989

S.O. 1085.—In pursuance of Sub-rule (4) of Rule 10 of the (Official Language Purpose of the Union) Rule, 1976, the Central Government hereby notifies the Department of Fertilizers, the Staff whereof have acquired the working knowledge of Hindi.

[No. 12022/82/87-OL(B.II)]

V. A. KOHLI, Dy. Secy.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

आवेष्टा

नई दिल्ली, 24 अप्रैल, 1989

का. प्रा. 1086.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, मणिपुर सरकार की महमति में, दिल्ली विशेष पुलिस स्थापन

के सदस्यों की शक्तियों और अधिकारिता का विस्तार निम्नलिखित अपराधों के अन्वेषण के लिए संपूर्ण मणिपुर राज्य पर करती है :—

(क) भारतीय दंड संहिता, 1860 (1860 का 45) की धारा 121, 121क, 302, 307, 326, 396, 397, आयुध अधिनियम, 1959 (1959 का 54) की धारा 25, आतंकवादों और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का 29) की धारा 3 (2) के संबंध में वर्ज प्रथम सूचना रिपोर्ट संख्या 152 (4)-88/एस.पी.एस. तारीख 8-4-89 यानो लामफेल, इम्फाल (मणिपुर), कुमारी बंदना मलिक, आई. पो. एस. (एम. टो. 1987) तथा अन्य दो पुलिस कर्मियों की हत्या के संबंध में।

(ख) उपरोक्त वर्णित एक या अधिक अपराधों और उन्हीं तथ्यों से अस्पष्ट होने वाले वैसे ही अन्य प्रकार के अनुक्रम में किए गए किसी अन्य अपराध या अपराधों के संबंध में या उनसे संसक्त प्रयत्न, वृत्ति और षड्यंत्र।

[सं० 229/13/89-एवीडी-II]

जी. सीतारामन, अवसर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

CRD:ER

New Delhi, the 24th April, 1989

S.O. 1086.—In exercise with the powers conferred by sub-section (1) of Section 5, read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Government of Manipur hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Manipur for investigation of offences as hereunder :—

(a) Sections 121, 121-A 302, 307, 326, 396, 397 of the Indian Penal Code 1860 (45 of 1860) Section 25 Arms Act, 1959 (54 of 1959) and Section 3(2) of the Terrorist Disruptive Activities (Prevention) Act, 1987 (28 of 1987) in regard to FIR No. 162 (4)/89/LPS, dated 8-4-89 registered at Lamphel Police Station, Imphal (Manipur) regarding murder of Kumari Vandana Malik, IPS (MT-1987) and two other Police Personnel on 8-4-89.

(b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/13/89-AVD.II]

G. SITARAMAN, Under Secy.

विस्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 24 अप्रैल, 1989

स्टाम्प

का. प्रा. 1087.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो राष्ट्रीय लघु उद्योग नियम द्वारा जारी किए जाने वाले 10 करोड़

इसके मूल्य के आई. बी. डी. आई. न्यून-10 करोड़ 1989 (प्रथम सीरीज) के रूप में उल्लिखित प्रामिसरी नोट के स्वरूप के बन्ध-पत्रों पर उक्त अधिनियम के अंतर्गत प्रभाव है।

[सं. 17/89-स्टाम्प/फा. सं. 33/5/89-बिक्री कर]

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 24th April, 1989

STAMPS

S.O. 1087.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of Promissory Notes described as "IDBI Loan—Rs. 10 crores 1989 (First Series) of the value of rupees ten crores only to be issued by the National Small Industries Corporation, are chargeable under the said Act.

[No. 17/89-Stamps-F. No. 33/5/89-ST]

आदेश

नई दिल्ली, 28 अप्रैल, 1989

स्टाम्प

का. भा. 1088.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा सेसर्स मोदी अल्कलीस एण्ड केमिकल्स लि. को तिरानवे हजार सात सौ पचास रुपये मात्र के उस समेकित स्टाम्प शुल्क की प्रदायगी करने की अनुमति देती है, जो उक्त कम्पनी द्वारा जारी किए जाने वाले कुल एक करोड़ पच्चीस लाख रुपये मात्र के मूल्य के 100 रुपये प्रत्येक के अंकित मूल्य वाले 15% सुरक्षित असम्परिवर्तनीय न्यून पत्रों पर स्टाम्प इयूटी के कारण प्रभाव है।

[सं. 18/89-स्टाम्प/फा. सं. 33/23/88-बि.कर]

बी. आर. मेहमी, सचिव

ORDER

New Delhi, the 28th April, 1989

STAMPS

S.O. 1088.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Modi Alkalies and Chemicals Limited to pay consolidated stamp duty of rupees Ninety-three thousand seven hundred and fifty only, chargeable on account of the stamp duty on 15% secured Non-Convertible Debentures of Rs. 100/-each of the face value of rupees one crore twenty-five lakhs only to be issued by the said company.

[No. 18/89-Stamps/F. No. 33/23/88-ST]

B. R. MEHMI, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 27 अप्रैल, 1989

का. भा. 1089.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 8 के उपखण्ड (1) के माथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा भारतीय स्टेट बैंक के वर्तमान उप-प्रबंध निदेशक, श्री बी. डी. दीक्षित को उनके द्वारा कार्यभार ग्रहण करने की तारीख से 14 जुलाई, 1990 तक की अवधि के लिए यूनियन बैंक आफ इंडिया के प्रबन्ध निदेशक के रूप में नियुक्त करती है।

[संख्या एफ. 9/58/88-बी. ओ. I(1)]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 27th April, 1989

S.O. 1089.—In pursuance of sub-clause (a) of clause 3, read with sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provision) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri B. D. Dikshit presently Deputy Managing Director of the State Bank of India as the Managing Director of the Union Bank of India for a period commencing with the date of his taking charge and ending with 14th July, 1990.

[No. F. 9/58/88-BO-I(1)]

का. भा. 1090.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 7 के साथ पठित खण्ड 5 के उपखण्ड (1) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री बी. डी. दीक्षित को जिन्हें उनके द्वारा कार्यभार ग्रहण करने की तारीख से यूनियन बैंक आफ इंडिया के प्रबन्ध निदेशक के रूप में नियुक्त किया गया है, उसी तारीख से यूनियन बैंक आफ इंडिया के निदेशक बोर्ड में अध्यक्ष के रूप में नियुक्त करती है।

[संख्या एफ. 9/58/88-बी. ओ. I(2)]

एम. एस. सीतारामन, सचिव

S.O. 1090.—In pursuance of sub-clause (1) of clause 5, read with clause 7 of the Nationalised Banks (Management and Miscellaneous Provision) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri B. D. Dikshit who has been appointed as Managing Director of the Union Bank of India from the date of his taking the charge to be the Chairman of the Board of Directors of the Union Bank of India with effect from the same date.

[No. F. 9/58/88-BO-I(2)]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 21 अप्रैल, 1989

का. प्रा. 1091.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 के साथ पठित धारा 56 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उप धारा (1) के उपबंध मोतिहारी सेंट्रल को-ऑपरेटिव बैंक लि. मोतिहारी (बिहार राज्य) पर इस अधिसूचना के भारत के राजपत्र में प्रकाशित होने से लेकर 31 मार्च, 1990 तक लागू नहीं होंगे।

[एफ. सं. 6-2/89-ए.सी.]

New Delhi, the 21st April, 1989

S.O. 1091.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provision of sub-section (1) of Section 11 of the said Act shall not apply to the Motihari Central Cooperation Bank Ltd. Motihari (Bihar State) from the date of publication of this notification in the Official Gazette to 31st March, 1990.

[F. No. 6—2/89-AC]

नई दिल्ली, 28 अप्रैल, 1989

का. प्रा. 1092.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 के साथ पठित धारा 56 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि बैंककारी विनियमन (सहकारी समितियाँ) नियम, 1966 नियम 10 के साथ पठित उक्त अधिनियम की धारा 31 के प्रावधान मैप्पयूर को-ऑपरेटिव अरबन बैंक लि., मैप्पयूर को, अहाँ तक उनका सम्बन्ध समाचार पत्र में प्रकाशित लेखा परीक्षक की रिपोर्ट सहित 30 जून, 1987 को समाप्त वर्ष के लिए उसके तुलन पत्र तथा लाभ-हानि लेख के प्रकाशन से है, लागू नहीं होंगे।

[एफ. सं. 6-3/89-ए.सी.]

प्रवीण कुमार तेजयान, प्रवर सचिव

New Delhi, the 28th April, 1989

S.O. 1092.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of Section 31 of the said Act read with Rule 10 of the Banking Regulation (Co-operative Societies) Rules 1966 shall not apply to the Map-payur Co-operative Urban Bank Ltd., Mappayur, so far as they relate to its publication of the balance sheet and profit and loss account for the year ended 30 June 1987 together with the auditor's report in the newspaper.

[F. No. 6-3/89-AC]

P. K. TEJYAN, Under Secy.

मुद्रित-पत्र

नई दिल्ली, 28 अप्रैल, 1989

का. प्रा. 1093.—भारत के राजपत्र, भाग 2, खण्ड 3 उपखण्ड (ii) तारीख 4 फरवरी, 1989 के पृष्ठ 302 पर प्रकाशित भारत

सरकार के वित्त मंत्रालय के आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की अधिसूचना संख्या का. प्रा. 255 तारीख 12 जनवरी, 1989 के हिन्दी अनुवाद के साथ संलग्न अनुसूची कार्य "क" में वैदेशीय कालम के अन्तर्गत "राष्ट्रीय औद्योगिक ऋण (दीर्घाधिक परिचालन) निधि" प्रविष्टि के बाद निम्न-लिखित प्रविष्टि को शामिल किया जाए, अर्थात् :—

"राष्ट्रीय आवास ऋण (दीर्घाधिक परिचालन) निधि"

[संख्या एफ. 5(11)/89/आ]

प्राण नाथ, प्रवर सचिव

कार्यालय मुख्य आयकर आयुक्त (प्रशासन)

कलकत्ता, 31 मार्च, 1989

का. प्रा. 1094.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 की उप-धारा (1) और (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली की अधिसूचना संख्या 8301 [एफ. संख्या 187/22/88-आई टी. ए. (आई)] तारीख 30-3-1989 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं, मुख्य आयकर आयुक्त (प्रशासन), कलकत्ता, एतद्वारा निर्देश देता हूँ कि आयकर आयुक्त, पश्चिम बंगाल-1, मेरे द्वारा जारी की गई अधिसूचना संख्या 11/88-89 तारीख 16-6-1988 के अनुसार सोपे गए क्षेत्राधिकार के अतिरिक्त सिक्किम राज्य के क्षेत्र की अधिकारिता भी रखेंगे।

परन्तु उक्त अधिनियम की धारा 124 अथवा धारा 127 के अधीन बाह में मेरे द्वारा कोई निर्देश/प्रादेश जारी होने तक वे इस अधिसूचना के अधीन अपने कर्तव्यों का पालन करेंगे।

यह अधिसूचना 1 अप्रैल, 1989 से लागू होगी।

[सं. 20/88-89]

एस. के. गंगोपाध्याय, मुख्य आयकर आयुक्त (प्रशासन)

OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX (ADMN.),

Calcutta, the 31st March, 1989

S.O. 1094.—In exercise of powers conferred by sub-section (1) & (2) of section 120 of Income-tax Act, 1961 (43 of 1961) and the powers conferred by the Notification No. 8301 [F. No. 187/22/88-IT(AI)] dated 30-3-1989 of the Central Board of Direct Taxes, New Delhi and all other powers enabling me in this behalf, I, the Chief Commissioner of Income-tax (Administration), Calcutta, hereby direct that the Commissioner of Income-tax, West Bengal-I, in addition to the jurisdiction assigned to him by my Notification No. 11/88-89 dated 16-6-1988, shall have also jurisdiction in respect of the territorial area of the State of Sikkim :

Provided that the Commissioner of Income-tax, West Bengal-I, shall perform his functions under this Notification subject to any direction/order that may hereafter be issued by me under section 124 or section 127 of the said Act.

This Notification shall come into force on and from the 1st day of April, 1989.

[No. 20/88-89]

S. K. GANGOPADHYAY, Chief Commissioner of Income-tax (Administration)

उद्योग मंत्रालय

(कम्पनी कार्य विभाग)

नई दिल्ली, 26 अप्रैल, 1989

का. प्रा. 1095.—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा इस अधिसूचना के अनुवर्तन में उल्लिखित उपक्रमों के पंजीकरण के निरस्तीकरण की अधिसूचना करता है, क्योंकि उक्त उपक्रम ऐसे उपक्रमों में से हैं जिनपर उक्त अधिनियम के अध्याय-3 के भाग क अध्याय के उपबन्ध प्रब लागू नहीं होते हैं।

अनुवर्तक

क्रमांक	उपक्रम का नाम	पंजीकृत कार्यालय	पंजीकरण संख्या
1. मै. जारडाइन हेंडरसन लिमिटेड	4, क्लाइव रोड कलकत्ता-700001	9/42/70- एम(बी)	
2. मै. जारडाइन बिक्टर लिमिटेड	यवोपरि	9/40/70- एम(बी)	
3. मै. कार्ड बोर्ड प्रिंटिंग एंड प्रोसेसिंग इन्स्टीट्यूट लि.	यवोपरि	9/38/70- एम(बी)	
4. मै. कलर कार्टेज लि.	टाइसोकोन हाउस डाक्टर, ई-मोर्गोण भाग बम्बई- 400011	9/259/70- एम(बी)	
5. मै. रायडाक सिडीकेट लि.	4, क्लाइव रोड कलकत्ता	9/48/70- एम(बी)	
6. मै. बरारी इन्वेस्टमेंट एंड सीजिंग लि.	यवोपरि	2359/85	
7. म. बेहबोर इन्वेस्टमेंट लि.	यवोपरि	2358/85	
8. मै. ए पी ई बेनास इंडिया लि	6, निटल रजेल स्ट्रीट कलकत्ता-700071	9/1181/- 70-एम(बी)	

[सं. 16/9/89-एम.-III]

एस.बी. सिंह, उप सचिव

MINISTRY OF INDUSTRY

(Department of Company Affairs)

New Delhi, the 26th April 1989

S.O. 1095.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of the undertakings mentioned in the Annexure to this notification, the said undertakings being undertakings to which the provisions of Part A Chapter III of the said Act no longer apply.

ANNEXURE

Sl. No.	Name of the Undertaking	Regd Office	Registration Number
(1)	(2)	(3)	(4)
1.	M/s. Jardine Henderson Limited.	4, Clive Row, Calcutta 700001.	9/42/70-M(B)
2.	M/s. Jardine Victor Limited.	-do-	9/40/70-M(B)

1	2	3	4
3.	M/s. Cardboard Printing & Processing Industries Limited.	-do-	(9/38/70 M(B)
4.	M/s. Colour Cartons Ltd.	Tieicon House, Dr. E. Moses Road, Bombay 400011.	(9/259/70-M(B)
5.	M/s. Rydak Synthetic Limited.	4, Clive Row, Calcutta 700001.	9/43/70-M(B)
6.	M/s. Burzee Investment & Leasing Limited.	-do-	2359/85.
7.	M/s. Bhubor Investments Limited.	-do-	2358/85.
8.	M/s. A P E Belliss India Limited	6 Little Russell Street Calcutta 700071.	9/1181/70-M(B)

[No. 16/9/89-M. III]

S. B. SINGH, Dy. Secy.

(रसायन और पेट्रो-रसायन विभाग)

नई दिल्ली, 20 अप्रैल, 1989

का. प्रा. 1096.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में रसायन और पेट्रो-रसायन विभाग के नियंत्रणाधीन निम्नलिखित कार्यालयों की, जिनके 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

- (1) इंडियन पेट्रो-केमिकल्स कॉर्पोरेशन लि. दिल्ली कार्यालय, दूसरी मंजिल, हिमालय हाउस, 23, कस्तूरबा गांधी मार्ग, नई दिल्ली।
- (2) राजस्थान ड्रग्स एण्ड फार्मास्यूटिकल्स लि. बिस्वकर्मा औद्योगिक क्षेत्र, रोड नं. 12, जयपुर-302013।

[सं. ई-11012/1/89-हिन्दी]

एस. एल. राविदास, अवर सचिव

(Department of Chemicals and Petro Chemicals)

New Delhi, 20th April, 1989

S.O. 1096.—In pursuance of Sub-rule (4) of rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the administrative control of the Department of Chemicals and Petro-chemicals, the 80 per cent staff whereof have acquired a working knowledge of Hindi :—

1. Indian Petro-chemicals Corporation Ltd., Delhi office, 2nd floor, Himalaya House, 23, Kasturba Gandhi Marg, New Delhi.
2. Rajasthan Drugs and Pharmaceutics Ltds., V-K-I Area, Road No. 12, Jaipur-302013.

[No. E-11012/1/89-Hindi]

S. L. RAVIDAS, Under Secy.

विदेश मंत्रालय

नई दिल्ली, 19 अप्रैल, 1989

का. प्रा. 1097.—राजनयिक कॉन्सुली अधिकारी (शपथ एम शुल्क) अधिनियम, 1948 (1948 का 41वां), की धारा 2 के खण्ड (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का उच्चायोग, पोर्टब्लैंड में सहायक श्री रमेश कुमार को 19-4-1989 से कॉन्सुल एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/1/89]

जी. अश्वनाथन, उप सचिव (कॉन्सुली)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 19th April, 1989

S.O. 1097.—In pursuance of clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise to Sh. Ramesh Kumar, Assistant in the High Commission of India, Port Louis to perform the duties of Consular Agent with effect from 19-4-1989.

[No. T 4330/1/89]

Sd/- Illegible

Dy. Secy. (Consular)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

गुडिपत्र

नई दिल्ली, 21 अप्रैल, 1989

का.आ. 1098.—भारत सरकार के राजपत्र के भाग II खंड 3 उपखंड (ii) पृष्ठ क्रमांक 4605, 4606 का.आ. संख्या क्रमांक 0/12016/39/83 प्रौढ अंतर्गत भारत सरकार की अधिसूचना संख्या 3928 दिनांक 22-11-86 के कांलम 2 में दी गई अनुसूची को पढ़ें—

गांव : कोलवाडी तहसील : हवेली जिला : पुणे

के लिए			पढ़ें		
खसरा नंबर	हिस्सा नंबर	क्षेत्रफल	खसरा नंबर	हिस्सा नंबर	क्षेत्रफल
378	—	0-24-36	378	—	0-24-30

[सं. ओ-12016/59/83-प्रौढ/वित्त]

MINISTRY OF PETROLEUM & NATURAL GAS

ERRATUM

New Delhi, the 21st April, 1989

S.O.1098:—For the words and figures appearing in Column II of the Notification issued under Govt. of India's Notification No. 0/12016/59/83 Prod. under S.O. No. 3928 published in the Govt. of India Gazette Part II, Section 3, Sub-Section (ii) at pages 4605 and 4606 dated 22-11-86 read,

Village : Kilawadi Thasil : Haveli Dist. Pune.

For			Read		
S.No. G.No.	Hissa No.	Area	S.No. G.No.	Hissa No.	Area
378	—	0-24-36	378	—	0-24-30

[No. O-12016/59/83-Prod/Dist.]

गुडिपत्र

का.आ. 1099.—भारत सरकार के राजपत्र के भाग II खंड 3 उपखंड (ii) पृष्ठ क्रमांक 4105, 4106 का.आ. संख्या क्रमांक 0/12016-56/83 प्रौढ अंतर्गत भारत सरकार की अधिसूचना संख्या 3521 दिनांक 11-10-86 के कांलम 2 में दी गई अनुसूची को पढ़ें—

गांव : लोहगाव तहसील : हवेली जिला : पुणे

के लिए			पढ़ें		
खसरा नंबर	हिस्सा नंबर	क्षेत्रफल	खसरा नंबर	हिस्सा नंबर	क्षेत्रफल
115	12/4	0-16-20	115	10/4	0-16-20
300	3/2	0-06-25	300	3/2	0-06-26

[सं. ओ-12016/56/83-प्रौढ/वित्त]

ERRATUM

S.O.1099.—For the words and figures appearing in Column II of the Notification issued under Government of India's Notification No. O/12016/56/83 under S.O. No. 3521 published in the Government of India, Gazette Part II, Section 3, Sub-Section (ii) at pages 4105 and 4106 dated 11-10-86 read,

Village : Lohagaon Thasil : Haveli Dist. Pune

For			Read		
S.No. G.No.	Hissa No.	Area	S.No. G.No.	Hissa No.	Area
115	12/4	0-16-20	115	10/4	0-16-20
300	3/2	0-06-76	300	3/2	0-06-26

[No. O-12016/56/83-Prod./Dist.]

गुडिपत्र

का.आ. 1100.—भारत सरकार के राजपत्र के भाग II खंड 3 उपखंड (ii) पृष्ठ क्रमांक 4532, 4533 का.आ. संख्या क्रमांक 0-120-10 133/83 प्रौढ अंतर्गत भारत सरकार की अधिसूचना संख्या 3850 दिनांक 15-11-86 के कांलम 2 में दी गई अनुसूची को पढ़ें—

गांव : चारहोली तहसील : हवेली जिला : पुणे

के लिये			पढ़ें		
खसरा नंबर	हिस्सा नंबर	क्षेत्रफल	खसरा नंबर	हिस्सा नंबर	क्षेत्रफल
428	1	0-06-60	428	1	0-06-66
711	1+0+3	0-06-90	711	1+2+3	0-06-90
738	4	0-03-39	738	4	0-04-50

[सं. ओ-12016/133/83-प्रौढ/वित्त]

ERRATUM

S.O.1100.—For the words and figures appearing in Column II of the Notification issued under Government of India's Notification No. O/12016/133/83 under S.O. No. 3850 published in the Government of India Gazette Part-II, Section 3, Sub-Section (ii) at pages 4532 and 4533 dated 15-11-86 read,

Village : Charoli Tehsil : Haveli Dist. Pune.

For			Read		
S.No. G.No.	Hissa No.	Area	S.No. G.No.	Hissa No.	Area
428	1	0-06-60	428	1	0-06-66
711	1+0+3	0-06-90	711	1+2+3	0-06-90
738	4	0-03-39	738	4	0-04-50

[No. O-12016/133/83-Prod./Dist.]

गुडिपत्र

का.आ. 1101.—भारत सरकार के राजपत्र के भाग II, खंड उपखंड (ii) दिनांक 11-10-86 पृष्ठ क्रमांक 4121, 4122 का.आ. संख्या क्रमांक 0-12016/58/83 प्रौढ अंतर्गत भारत

सरकार की अधिसूचना संख्या 3526 कायम 2 में दी गई अनुसूची को पढ़ें।

गांव : माजरी खुरद तहसील : हवेली जिला : पुणे

के लिए			पढ़ें		
खसरा नंबर	हिस्सा नंबर	क्षेत्रफल	खसरा नंबर	हिस्सा नंबर	क्षेत्रफल
678	—	0-06-50	678	—	0-08-60
660	—	0-20-88	671	—	0-30-38
682	—		660	—	
			682	—	
800	—	0-03-60	801	—	
801	—	0-09-00	800	—	0-16-50
803	—	0-05-20	803	—	0-05-50
0-17-80			0-21-90		
766	—		766	—	0-14-22
759	—	0-10-82	764	—	
764	—	0-01-00	759	—	
0-11-82					

[सं.ओ-12016/58/83-प्रोड/विन]

ERRATUM

S.O.1101.—For the words and figures appearing in Column II of the Notification issued under Govt. of India's Notification No. O/12016/58/83 under S.O. No. 3526 published in the Govt. of India Gazette Part-II, Section 3, Sub-Section (ii) at pages 4121 and 4122 dated 11-10-86 read :

Village : Manjari Khurd Tahsil : Haveli Dist. : Pune

For			Read		
S. No. G. No.	Hissa No.	Area	S. No. G. No.	Hissa No.	Area
678	—	0-06-50	678	—	0-08-60
660	—	0-20-88	671	—	
682	—		660	—	
			682	—	0-30-88
800	—	0-03-60	801	—	0-16-40
801	—	0-09-00	800	—	0-05-50
803	—	0-05-20	803	—	
0-17-80			0-21-90		
766	—	0-10-82	766	—	
759	—	0-01-00	764	—	0-14-22
764	—		759	—	
0-11-82					

[N. O-12016/58/83 Prod/Dist.]

शुद्धीपत्र

का.आ. 1102.—भारत सरकार के राजपत्र के भाग II खंड 3 उपखंड (ii) पृष्ठ क्रमांक 4098, 4099 का आ. संख्या क्रमांक 12016/

110/83 प्रोड प्रवर्गित भारत सरकार की अधिसूचना सं या 3519 दिनांक 11-10-86 के कायम 2 में दी गई अनुसूची को पढ़ें.

गांव --चिखली तहसील : हवेली जिला-पुणे

के लिये			पढ़ें		
खसरा नंबर	हिस्सा नंबर	क्षेत्रफल	खसरा नंबर	हिस्सा नंबर	क्षेत्रफल
1537	—	0-08-00	1537	—	0-01-08
1179	—	0-07-35	1469	—	0-07-55
1320	—	0-11-70	1326	—	0-11-70

[सं.ओ-12016/110/83-प्रोड/विन]

ERRATUM

S.O.1102.—For the words and figures appearing in Column II of the Notification issued under Government of India's Notification No. O-12016/110/83 under S.O. No. 3519 published in the Government of India Gazette Part-II, Section 3, Sub-Section (ii) at pages 4098 and 4099 dated 11-10-86 read.

Village : Chikhali Tahsil : Haveli Dist. : Pune

For			Read		
G. No.	Hissa No.	Area	G. No.	Hissa No.	Area
1537	—	0-08-00	1537	—	0-01-08
1179	—	0-07-55	1469	—	0-07-55
1320	—	0-11-70	1326	—	0-11-70

[No. O-12016/110/83-Prod/Dist.]

शुद्धीपत्र

का.आ. 1103.—भारत सरकार के राजपत्र के भाग II खंड 3 उपखंड (ii) पृष्ठ क्रमांक 4091 का आ. संख्या 12016/109/83 प्रोड प्रवर्गित भारत सरकार की अधिसूचना संख्या 3517 दिनांक 11-10-86 के कायम 2 में दी गई अनुसूची को पढ़ें.

के लिये			पढ़ें		
खसरा नंबर	हिस्सा नंबर	क्षेत्रफल	खसरा नंबर	हिस्सा नंबर	क्षेत्रफल
1	2	3	4	5	6
411	—	0-07-85	411	—	0-07-05
72	—	0-05-71	72	—	0-05-76

[सं.ओ-12016/109/83-प्रोड/विन]

ERRATUM

S.O.1103.—For the words and figures appearing in Column II, of the Notification No. O/12016/109/83 Prod, under S.O. No. 3517 published in the Government of India Gazette Part-II, Section 3, Sub-Section (ii) at pages 4091 dated 11-10-86 read.

Village : Talawade			Tahsil : Haveli			Dist. : Pune		
For			Read					
S. No.	Hissa No.	Area	S. No.	Hissa No.	Area			
411	—	0-07-85	411	—	0-07-05			
72	—	0-05-71	72	—	0-05-76			

[No.O-12016/109/83-Prod/Dist.]

शुद्धि पत्र

का. प्रा. 1104.—भारत सरकार के राजपत्र भाग II खंड 3 उपखंड (ii) के पृष्ठ क्रमांक 3895, 3896 का. प्रा. संख्या क्रमांक O-12016-57-83 प्रोड अंतर्गत भारत सरकार की अधिसूचना संख्या 3169 दिनांक 29/10/88 के कॉलम 2 में दी गई अनुसूची को पढ़ें—

गांव : वाघोली			तहसील: हवेली			जिला : पुणे		
के लिये			पढ़ें					
1	2	3	4	5	6			
खसरा संबर	हिस्सा संबर	क्षेत्रफल	खसरा संबर	हिस्सा संबर	क्षेत्रफल			
2328	—	0-14-00	2328	—	0-14-40			
2333	—	0-24-40	2333	—	0-32-08			

(सं. ओ-12016/57/83-प्रोड/वित्त)

ERRATUM

S.O.1104.—For the words and figures appearing in Column II of the Notification issued under Government of India's Notification No. 0/12016/57/83 under S.O. No. 3169 published in the Government of India, Gazette Part-II, Section 3, Sub-Section (ii) at pages 3895 and 3896 dated 29-10-88 read :

Village : Wagholi Tahsil : Haveli Dist. : Pune

For			Read		
G. No.	Hissa No.	Area	G. No.	Hissa No.	Area
2328	—	0-14-00	2328	—	0-14-40
2333	—	0-24-40	2333	—	0-32-08

[No.O-12016/57/83-Prod/Dist.]

शुद्धिपत्र

नई दिल्ली, 24 अप्रैल, 1989

का. प्रा. 1105.—भारत सरकार के राजपत्र के भाग II खंड 3 उपखंड ii के पृष्ठ क्रमांक 114 का प्रा. संख्या O-12016-150-86 ओ एन. जी. डी. 4 के अंतर्गत भारत सरकार की अधिसूचना संख्या 119 दिनांक 17-1-1987 के कॉलम 2 में दी गई अनुसूची को निम्नानुसार पढ़ें—

गांव : लोणी कालभोर तहसील : हवेली जिला : पुणे

के लिए			पढ़ें		
खसरा संबर	हिस्सा संबर	क्षेत्रफल	खसरा संबर	हिस्सा संबर	क्षेत्रफल
80	—	0-01-14	110	—	00-01-14

(सं. ओ-12016/150/86-ओ एन जो डी. 4/ वित्त)

1134 GI/89—2.

CORRIGENDUM

New Delhi, the 24th April, 1989

S.O.1105.—For the words and figures appearing in column II of the Notification issued under Govt. of India's Notification No. O-12016/150/86-ONG-D-4 under S.O. No. 119 published in the Govt. of India Gazette Part II Section 3(ii) at page No. 114 dated 17-1-87 read

Village—Loni Kalbhor Tah—Haveli Dist.—Pune

For			Read		
S.No.	Hissa No.	Area	S.No.	Hissa No.	Area
80	—	00-01-14	110	—	00-01-14

[No.O-12016/100/86 ONG D-4/Dist.]]

शुद्धिपत्र

का. प्रा. 1106.—भारत सरकार के भाग II खंड 3 उपखंड II के पृष्ठ क्रमांक 4612 का प्रा. संख्या O-12016/98/84 प्रोड अंतर्गत भारत सरकार की अधिसूचना संख्या 3932 दिनांक 22/11/86 के कॉलम 2 में दी गई अनुसूची को पढ़ें :—

गांव : लोणी कालभोर तहसील : हवेली जिला : पुणे

के लिए			पढ़ें		
खसरा संबर	हिस्सा संबर	क्षेत्रफल	खसरा संबर	हिस्सा संबर	क्षेत्रफल
121	—	0-02-25	122	—	0-02-25

(सं. ओ-12016/98/84-प्रोड/जी डी-4/वित्त)

ERRATUM

S.O.1106.—For the words and figures appearing in column II of Notification issued under Government of India's Notification No. 0/12016/98/84 under S.O. No. 3932 published in the Government of India Gazette Part II Section 3 Sub-section II at page 4612 dated 22-11-86, read :

Village—Lonikalbhor Tah—Haveli District—Pune

For			Read		
S.No.	Hissa No.	Area	S.No.	Hissa No.	Area
121	—	00-2-25	122	—	00-02-25

[No. O-12016/98/84-ONG-D-4/Dist.]

का प्रा. 1107.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि महाराष्ट्र राज्य में बंबई से पूना तक पेट्रोलियम पदार्थों के परिवहन के लिए पार्श्व शार्ज हिंदुस्तान पेट्रोलियम कॉर्पोरेशन द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी ज़मीनों को खिलाने के प्रयोजन के लिए एतद्पाठ्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त गतिवृत्तों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बर्णन कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन खिलाने के लिए आशेष मक्षम प्राधिकारी हिंदुस्थान पेट्रोलियम कार्पोरेशन लिमिटेड, बंबई पुणे पाइप लाइन प्रोजेक्ट को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

गांव : कान्हे	तहसील : मावल	जिला : पुणे	
गांव गाव	खसरा नंबर	हिस्सा नंबर	क्षेत्रफल
1	2	3	4
कान्हे	259	—	00-11-94

[सं. पी 32015/4/89/विन]

सी. एन. गिरोत्रा, अवर सचिव

S.O. 1107.—Whereas it appears to Central Government that it is necessary to lay a pipeline for transporting Petroleum Products from Bombay to Pune in the State of Maharashtra through Pipe-line and that said Pipe-line is to be laid through the agency of Hindustan Petroleum Corporation Limited Bombay.

And whereas it appears to Central Government that for laying pipe-line it is necessary to acquire the Right of User in respect of the lands appended to herewith in schedule.

Now therefore in exercise of the powers vested in them by virtue of Section 3 (i) of Petroleum and Minerals Pipe-lines (Acquisition of Right of User in Land) AO 1962 (50 of 1962) Central Government notify their intention to acquire the Right of user in the lands referred to above.

Any person having his interest in the lands referred to above having any objection for laying the Pipe-line through above mentioned lands may prefer an objection within 21 days of the publication of this notification before the competent authority Hindustan Petroleum Corporation Limited Bombay Pune Pipeline Project, H.P.C. Depot, 1, R.B.M Road, Pune-411001.

All persons having any objection may also state whether they want to be heard in person either himself or through any lawyer appointed by him.

SCHEDULE

Village-Kanhe	Tahsil-Maval	District-Pune	
Village	Get No.	Hissa No.	Area H. Are
1	2	3	4
Kanhe	259	—	00-11-94

[No. P-32015/4/89/Dist.]

C.L. GIROTRA, Under Secy.

साद्य एवं नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

भारतीय मानक संस्था

नई दिल्ली, 11 अप्रैल, 1989

का. सा. 1108--भारतीय मानक ब्यूरो (समापन) विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो द्वारा अधिसूचित किया जाता है कि शरीर पर धारण किए जाने वाले श्रवण सहायक यंत्र की प्रति इकाई मुहर लगाने की फीस, जिसका विवरण नीचे अनुसूची में दिया गया है, निर्धारित कर दी गई है और यह फीस 1987-12-16 से लागू होगी।

अनुसूची

क्रम सं. उत्पाद/उत्पाद की श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहर लगाने की फीस
(1)	(2)	(3)	(4)
1. शरीर पर धारण किये जाने वाले श्रवण सहायक यंत्र	IS: 10775-1984	एक तग	(1) रु. 1.00 प्रति इकाई पहली 1000 इकाइयों के लिए, और (2) 75 पैसे प्रति इकाई 10001वीं तथा उससे अधिक इकाइयों के लिए

[सं. सीएमडी/13: 10]

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 11th April, 1989

S.O. 1108.—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby, notifies that the marking fee per unit for body level hearing aids details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1987-12-16 :

SCHEDULE

Sl. No.	Product/Class of Product	No. and year of Relevant Indian Standard	Unit	Marking fee per unit
(1)	(2)	(3)	(4)	(5)
1.	Body level hearing aids	IS : 10775—1984	One Piece	(i) Rs. 1.00 per unit for the first 10000 units and (ii) 75 Paise per unit for the 10001st unit and above

[No. CMD/13 : 10]

का.आ. 1109.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करती है कि नीचे अनुसूची में जिन भारतीय मानकों के संशोधन किए गए हैं, वे उक्त नियम के द्वारा प्रवृत्त शक्तियों के अधीन जारी किए गए हैं :

अनुसूची

क्रम संख्या और वर्ष	संशोधित भारतीय मानक की संख्या	जिन राजपत्र अधिसूचना में भारतीय मानक की स्थापना की अधिसूचना छपी थी उसकी संख्या और तिथि	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	IS : 696-1972	का.आ. 2939 दिनांक 1975-09-06	सं. 5 जन 1986	1986-01-31
2.	IS : 1035-1972	का.आ. 1853 दिनांक 1974-07-27	सं. 1 मार्च 1986	1986-03-31
3.	IS : 3121-1981	का.आ. 3992 दिनांक 1985-03-24	सं. 1 फर 1986	1986-02-28
4.	IS : 4311 (भाग 1)-1967	--	सं. 2 मार्च 1986	1986-03-31
5.	IS : 4684-1975	का.आ. 3440 दिनांक 1978-12-02	सं. 1 फर 1986	1986-02-28
6.	IS : 4726-1984	का.आ. 455 दिनांक 1987-02-14	सं. 1 जन 1986	1986-01-31
7.	IS : 4726-1984	का.आ. 295 दिनांक 1987-01-33	सं. 1 मार्च 1986	1986-03-31
8.	IS : 4800 (भाग 1)-1968	का.आ. 1455 दिनांक 1969-04-19	सं. 2 फर 1986	1986-02-28
9.	IS : 4880 (भाग 5)-1972	का.आ. 950 दिनांक 1975-03-29	सं. 1 मार्च 1986	1986-03-31
10.	IS : 5489-1975	का.आ. 3530 दिनांक 1977-11-19	सं. 2 जन 1986	1986-01-31
11.	IS : 6074-1971	का.आ. 3163 दिनांक 1973-11-10	सं. 2 फर 1986	1986-02-26

(1)	(2)	(3)	(4)	(5)
12. IS : 6299-1971	का. प्रा. 510 दिनांक 1974-02-31	सं. 1 जन 1986		1986-01-31
13. IS : 6303-1971	का. प्रा. 231 दिनांक 1974-01-26	सं. 2 मार्च 1986		1986-03-31
14. IS : 6594-1977	का. प्रा. 439 दिनांक 1980-02-23	सं. 2 मार्च 1986		1986-03-31
15. IS : 7057-1973	का. प्रा. 2939 दिनांक 1975-09-06	सं. 2 मार्च 1986		1986-03-31
16. IS : 7503 (भाग 1)-1974	का. प्रा. 3279 दिनांक 1976-09-11	सं. 2 मार्च 1986		1986-03-31
17. IS : 7587 (भाग 5)-1976	का. प्रा. 97 दिनांक 1980-01-12	सं. 2 अक्तू 1985		1985-10-31
18. IS : 7840-1983	का. प्रा. 4149 दिनांक 1986-12-13	सं. 1 मार्च 1986		1986-03-31
19. IS : 8000 (भाग 2)-1976	का. प्रा. 2505 दिनांक 1979-07-21	सं. 1 मार्च 1986		1986-03-31
20. IS : 8000 (भाग 4)-1976	---वही---	सं. 1 मार्च 1986		1986-03-31
21. IS : 8190 (भाग 1)-1980	का. प्रा. 4412 दिनांक 1985-12-15	सं. 3 मार्च 1986		1986-03-31
22. IS : 8542-1977	का. प्रा. 1606 दिनांक 1980-06-14	सं. 1 जन 1986		1986-01-31
23. IS : 8544 (भाग 2)-1977	का. प्रा. 1995 दिनांक 1980-07-26	सं. 1 फर 1986		1986-02-28
24. IS : 8642-1977	का. प्रा. 3416 दिनांक 1980-12-13	सं. 1 जन 1986		1986-01-31
25. IS : 9000 (भाग 14)-1978	का. प्रा. 1550 दिनांक 1981-05-23	सं. 2 मार्च 1986		1986-03-31
26. IS : 9806-1981	का. प्रा. 748 दिनांक 1985-02-23	सं. 1 मार्च 1986		1986-03-31
27. IS : 10026 (भाग 3/सं. 3)-1983	का. प्रा. 3451 दिनांक 1986-10-24	सं. 1 जन 1986		1986-01-31
28. IS : 10026 (भाग 3/सं. 4)-1983	--	सं. 1 जन 1986		1986-01-31
29. IS : 10026 (भाग 3/सं. 5)-1983	--	सं. 1 जन 1986		1986-01-31
30. IS : 10026 (भाग 3/सं. 6)-1983	--	सं. 1 मार्च 1986		1986-03-31
31. IS : 10026 (भाग 3/सं. 7)-1983	--	सं. 1 मार्च 1986		1986-03-31
32. IS : 10114-1982	का. प्रा. 2147 दिनांक 1985-05-18	सं. 1 जन 1986		1986-01-31
33. IS : 10144-1982	का. प्रा. 3975 दिनांक 1986-11-29	सं. 1 मार्च 1986		1986-03-31
34. IS : 10500-1983	का. प्रा. 3668 दिनांक 1986-10-25	सं. 1 मार्च 1986		1986-03-31

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002 और इसके क्षेत्रीय कार्यालय : बम्बई-400093, कलकत्ता-700054, मद्रास-600113, और एस एस नगर-160051 और शाखा कार्यालय : प्रहमबाबाद-380001, बंगलौर-560002, भोपाल-462003, भुवनेश्वर-751014, हैदराबाद-500001, जयपुर-302005, फानपुर-208005, पटना-800013 और त्रिवेन्द्रम-695001 से प्राप्त की जा सकती है।

S.O.1109.—In pursuance of Sub Rule (b) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by under the said rule.

SCHEDULE

Sl. No. and year of the Indian Standard No. amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and date of the amendment	Date from which the Amendment shall have effect
(1)	(2)	3	(5)
1. IS : 696—1972	S.O. 2939 dated 1975-09-06	No. 5 Jan 1986	1986-01-31
2. IS : 1035—1972	S.O. 1853 dated 1974-07-27	No. 1 Mar 1986	1986-03-31
3. IS : 3121—1981	S.O. 3992 dated 1985-08-24	No. 1 Feb 1986	1986-02-28
4. IS : 4511 (Part I)—1967	—	No. 2 Mar 1986	1986-03-31
5. IS : 4684—1975	S.O. 3440 dated 1978-12-02	No. 1 Feb 1986	1986-02-28
6. IS : 4726—1984	S.O. 455 dated 1987-02-14	No. 1 Jan 1986	1986-01-31
7. IS : 4762—1984	S.O. 295 dated 1987-01-31	No. 1 Mar 1986	1986-03-31
8. IS : 4800 (Part I)—1968	S.O. 1455 dated 1969-04-19	No. 2 Feb 1986	1986-02-28
9. IS : 4880 (Part 5)—1972	S.O. 950 dated 1975-03-29	No. 1 Mar 1986	1986-03-31
10. IS : 5489—1975	S.O. 3530 dated 1977-11-19	No. 2 Jan 1986	1986-01-31
11. IS : 6074—1971	S.O. 3163 dated 1973-11-10	No. 2 Feb 1986	1986-02-28
12. IS : 6299—1971	S.O. 510 dated 1974-02-23	No. 1 Jan 1986	1986-01-31
13. IS:6303 --1971	S.O. 231 dated 1974-01-26	No. 2 Mar 1986	1986-03-31
14. IS:6594-1977	S.o.419 dated 1980-02-23	No. 2 Mar 1986	1986-03-31
15. IS:7057-1973	S.o.2939 dated 1975-09-06	No.2 Mar 1986	1986-03-31
16. IS : 7503 (Part I)—1974	S.O. 3279 dated 1976-09-11	No. 2 Mar 1986	1986-03-31
17. IS : 7587 (Part 5)—1976	S.O. 97 dated 1980-01-12	No. 2 Oct 1985	1985-10-31
18. IS : 7840—1983	S.O. 4149 dated 1986-12-13	No. 1 Mar 1986	1986-03-31
19. IS : 8000 (Part II) —1976	S.O. 505 dated 1979-07-21	No. 1 Mar 1986	1986-03-31
20. IS : 8000 (Part IV) —1976	-do-	No. 1 Mar 1986	1986-03-31
21. IS: 8190 (Part) —1980	S.O. 4412 dated 1985-12-15	No. 3 Mar 1986	1986-03-31
22. IS : 8542—1977	S.O. 1606 dated 1980-06-14	No. 1 Jan 1986	1986-01-31
23. IS : 8544 (Part II) —1977	S.O. 1995 dated 1980-07-26	No. 1 Feb 1986	1986-02-28
24. IS : 8642 —1977	S.O. 3416 dated 1980-12-13	No. 1 Jan 1986	1986-01-31
25. IS : 9000 (Part 14)—1978	S.O. 1550 dated 1981-05-23	No. 2 Mar 1986	1986-03-31

(1)	(2)	(3)	(4)	(5)
26. IS : 9806—1981		S.O. 748 dated 1985-02-23	No. 1 Mar 1986	1986-03-31
27. IS : 10026 (Part 3/Sec 3)—1983		S.O. 3451 dated 1986-10-04	No. 1 Jan 1986	1986-01-31
28. IS : 100 6 (Part 3/Sec 4) 1983		—	No. 1 Jan 1987	1986-01-31
29. IS : 100 6 (Part 3/Sec 5) 1983		—	No. 1 Jan 1986	1986-01-31
30. IS : 10026 (Part 3/Sec 6)- 1983		—	No. 1 Mar 1986	1986-03-31
31. IS : 10026 (Part 3/Sec 7)—1983		—	No. 1 Mar 1986	1986-03-31
32. IS : 10114—1982		S.O. 2147 dated 1985-05-18	No. 1 Jan 1986	1986-01-31
33. IS : 10144—1982		S.O. 3975 dated 1986-11-29	No. 1 Mar 1986	1986-03-31
34. IS : 10500 -1983		S.O. 3668 dated 1986-10-25	No. 1 Mar 1986	1986-03-31

Copies of these amendments are available with the Bureau of Indian Standards, Manak Bhawan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices Bombay, Calcutta, Chandigarh and Madras and also from its Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Guwahati, Hyderabad, Jaipur, Kanpur, Patna and Trivendrum

[No.-CMD/13 : 5]

का. प्रा. 1110—भारतीय मानक ब्यूरो (प्रमाणन) नियम 1987 के नियम 7 के उपनियम (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में जिन भारतीय मानकों के संशोधन दिए गए हैं, वे उक्त विनियम के 3 के उपविनियम (1) के द्वारा प्रवृत्त शक्तियों के अधीन जारी किए गए हैं :

अनुसूची

क्रम	संशोधित भारतीय मानक की संख्या और संख्या वर्ष	जिस राजपत्र अधिसूचना में भारतीय मानक की स्थापना की अधिसूचना छपी थी उसकी संख्या और तिथि	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1. IS : 302- 1979	का. प्रा. 3611 दिनांक 1983-09-24	सं. 3 मार्च 1988		1988-03-31
2. IS : 366- 1985	--	सं. 2 मार्च 1988		1988-03-31
3. IS : 368- 1983	--	सं. 1 मार्च 1988		1988-03-31
4. IS : 369- 1983	का. प्रा. 457-दिनांक 1987-02-14	सं. 1 मार्च 1988		1988-03-31
5. IS : 2994-1986	का. प्रा. 457 दिनांक 1987-02-14	सं. 1 मार्च 1988		1988-03-31
6. IS : 3010 (भाग 1)-1965	का. प्रा. 281 दिनांक 1966-01-22	सं. 6 मार्च 1988		1988-03-31
7. IS : 3010 (भाग 2)-1965	--वही--	सं. 5 मार्च 1988		1988-03-31
8. IS : 6240-1976	का. प्रा. 3823 दिनांक 1979-11-24	सं. 1 जन 1988		1988-01-31

इस संशोधन की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली 110002 और इसके क्षेत्रीय कार्यालय बम्बई, कलकत्ता, मद्रास और चण्डीगढ़ और शाखा कार्यालय : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, हैदराबाद, जयपुर, कानपुर, पटना और त्रिवेन्द्रम से प्राप्त की जा सकती है।

[सं. सी एम बी/13 : 5]

(1) (2) (3) (4) (5)

S.O. 1110.—In pursuance of Sub Rule (b) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred under the said rule.

SCHEDULE

Sl. No.	No. and year of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and date of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)	(5)
1. IS : 302—1979		S.O. 3611 dated 1983-09-24	No. 3 Mar 1988	1988-03-31
2. IS : 366—1985		—	No. 1 Mar 1988	1988-03-31
3. IS : 368—1983		—	No. 1 Mar 1988	1988-03-31
4. IS : 369—1983		S.O. 457 dated 1987-02-14	No. 1 Mar 1988	1988-03-31
5. IS : 2994—1986		—	No. 1 Mar 1988	1988-03-31
6. IS : 3010 (Part I)		S. O. 281 dated 1966-01-22	No. 6 Mar 1988	1988-03-31
7. IS : 3010 (Part II)—1965		-do-	No. 5 Mar 1988	1988-03-31
8. IS : 6240—1976		S.O. 3823 dated 1979-11-24	No. 1 Jan 1988	1988-01-31


Copies of these amendments are available with the Bureau of Indian Standards, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and from Regional Offices: Bombay, Calcutta, Chandigarh and Madras and also from its Branch Offices:—Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Guwahati, Hyderabad, Jaipur, Kanpur Patna and Trivandrum.

[No. CMD/13 : 5]

का.भा. 1111.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस मानक मुहर का डिजाइन, उसके शाब्दिक विवरण और सम्बद्ध भारतीय मानक की संख्या और वर्ष सहित नीचे अनुसूची में दिया गया है, वह निर्धारित कर दिया गया है।

भारतीय मानक ब्यूरो अधिनियम, 1986 और उसके अधीन बने नियमों तथा विनियमों के प्रयोजन के लिए यह मानक मुहर 1987-12-16 से लागू होगी।

अनुसूची


क्र.सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	मानक मुहर के डिजाइन का शाब्दिक विवरण
1.		शरीर पर धारण किए जाने वाले श्रवण सहायक यंत्र	IS : 10775-1984	स्तम्भ (2) में दिखाई गई निश्चित शैली और परस्पर सम्बद्ध अनुपात में बनाया गया "IS" प्रक्षरयुक्त भारतीय मानक ब्यूरो का मोनोग्राम, जिसमें भारतीय मानक की संख्या डिजाइन में दिखाए अनुसार मोनोग्राम के ऊपर प्रकृत हो।

[संख्या सी एमडी/13 : 9]

S.O. 1111.—In pursuance of sub-rule (1) of the rule 9 of Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards, hereby, notifies that the Standards Mark, design of which together with the description of the design and the number and year of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Bureau of Indian Standards Act, 1986 and the Rules and Regulations framed thereunder, shall come into force with effect from 1987-12-16 :

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and year of the Relevant Indian Standard	Description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1. ISI		Body level hearing aids	IS : 10775 - 1984	The monogram of the Bureau of Indian Standards, consisting of letters 'ISI', drawn in the exact of style and relative proportions as indicated in Col (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. CMD/13 : 9]

नई दिल्ली, 12 अप्रैल, 1989

क्र. भा. 1112.—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2), दिनांक 1986-03-22 में प्रकाशित खाद्य एवं नागरिक पूर्ति मंत्रालय, नागरिक पूर्ति विभाग (भारतीय मानक ब्यूरो) की अधिसूचना संख्या का भा. 1150 दिनांक 1986-02-21 का आंशिक संशोधन करने हुए भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि ट्रांजिस्टर रेडियो रिसेवर के लिए शुष्क बैटरियों की प्रति इकाई मुद्रांकन फीस, जिसका विवरण नीचे अनुसूची में दिया गया है, संशोधित कर दी गई है। मुद्रांकन फीस की संशोधित दर 1989-02-01 से लागू होगी :

अनुसूची

क्र. सं.	उत्पाद/उत्पाद श्रेणी	संबद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुद्रांकन फीस
(1)	(2)	(3)	(4)	(5)
1.	ट्रांजिस्टर रेडियो रिसेवर के लिए शुष्क बैटरियां	IS : 2576-1975	1000 नग	(1) 50 पैसे प्रति इकाई पड़ने 25000 इकाइयों के लिए, और (2) 30 पैसे प्रति इकाई 25001 थी इकाई तथा उस अधिक की इकाइयों के लिए

[सं. सीएमडी/13 : 10]

New Delhi, the 12th April, 1989

S.O. 1112.—In partial modification of the Ministry of Food and Civil Supplies (Deptt. of Civil Supplies) (Bureau of Indian Standards) Notification number S.O. 1150 dated 1986-02-21 published in the Gazette of India Part-II, Section-3, Sub-section (ii) dated 1986-03-22 the Bureau of Indian Standards, hereby, notifies that the marking fee per unit for dry batteries for transistor radio receivers details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with effect from 1989-02-01 :

SCHEDULE

Sl. No.	Product/Class of Product	No. & Year of the Relevant Indian Standard	Unit	Marking Fee per unit
(1)	(2)	(3)	(4)	(5)
1.	Dry batteries for transistor radio receivers	IS : 2576 -1975	1000 Pieces	(i) 50 Paisa per unit for the first 25000 units and (ii) 30 Paisa per unit for the 25001st unit and above.

[No. CMD/13 : 10]

का. मा. 1113.—भारतीय मानक ब्यूरो विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो द्वारा अधिसूचित किया जाता है कि खाद्य तेलों तथा वनस्पति की पैकिंग के लिए नम्य पैक की प्रति इकाई मुहर लगाने की फीस जिसका विवरण नीचे अनुसूची में दिया गया है, निर्धारित कर दी गई है और यह फीस 1986-06-16 से लागू होगी।

अनुसूची

क्र.सं.	उत्पाद/उत्पाद श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहर लगाने की फीस
(1)	(2)	(3)	(4)	(5)
1.	खाद्य तेलों तथा वनस्पति की पैकिंग के लिए नम्य पैक	IS : 11352-1985	1000 बैलियाँ	र. 2.00

[सं० सीएमडी/13 : 10]

S.O. 1113.—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations 1988 the Bureau of Indian Standards hereby, notifies that the marking fee per unit for flexible packs for the packing of edible oils and Vanaspathi details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1986-06-16.

SCHEDULE

Sl. No.	Product/Class of Product	No. and year of Relevant Indian Standard	Unit	Marking fee per unit
(1)	(2)	(3)	(4)	(5)
1.	Flexible packs for the packing of edible oils and Vanaspathi	IS : 11352-1985	1000 Pouches	Rs. 2.00

[No. CMD/13 : 10]

का. मा. 1114.—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2), दिनांक 1977-08-06 में प्रकाशित खाद्य एवं नागरिक पूर्ति मंत्रालय, नागरिक पूर्ति विभाग (भारतीय मानक ब्यूरो) की अधिसूचना सं० का० मा० 2461 दिनांक 1977-07-13 का प्राधिक संशोधन करते हुए भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि बहुप्रयोजी शुष्क बैटरियों की प्रति इकाई मुहरांकन फीस, जिसका विवरण नीचे अनुसूची में दिया गया है, संशोधित कर दी गई है। मुहरांकन फीस की संशोधित दर 1989-02-01 से लागू होगी।

अनुसूची

क्र.सं.	उत्पाद/उत्पाद श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहरांकन फीस
(1)	(2)	(3)	(4)	(5)
1.	बहुप्रयोजी शुष्क बैटरियाँ	IS : 8144-1976	1000 नग	(1) 60 पैसे प्रति इकाई पहले 25000 इकाइयों के लिए तथा (2) 30 पैसे प्रति इकाई 25001वें इकाई तथा उससे अधिक की इकाइयों के लिए

[सं० सीएमडी/13 : 10]

S.O. 1114 :—In supersession of the then Ministry of Civil Supplies and Co-operation (Bureau of Indian Standards) notification number S.O. 2461 dated 1977-07-13 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1977-08-06 the Bureau of Indian Standards, hereby, notifies that the marking fee per unit for multipurpose dry batteries details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with effect from 1989-02-01 :

SCHEDULE



Sl. No.	Product/class of Product	No. & Year of the Relevant Indian Standard	Unit	Marking Fee per unit
(1)	(2)	(3)	(4)	(5)
1.	Multipurpose dry batteries	IS : 8144-1976	1000 Pieces	(i) 50 Paise per unit for the first 245000 units and (ii) 30 Paise per unit for the 25001st unit and above.

[No. CMD/13 : 10]

का. आ. 1115.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 (1) के अनुसरण में भारतीय मानक ब्यूरो एवम् द्वारा अधिसूचित करता है कि जिन मानक मुहरों के डिजाइन, उनके शाब्दिक विवरण और सम्बद्ध भारतीय मानक की संख्या और वर्ष सहित नीचे अनुसूची में दिए गए हैं, वे निश्चित कर दिए गए हैं।

भारतीय मानक ब्यूरो अधिनियम, 1986 और उसके अधीन बने नियमों तथा विनियमों के प्रयोजन के लिए ये मानक मुहर उनके मामले की गई तिथियों से लागू होंगी।

अनुसूची



क्र. सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	मानक मुहर के डिजाइन का शाब्दिक विवरण	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.		सीमेंट के परीक्षण के लिए मानक रेत	IS : 650-1966	स्तम्भ (2) में दिखाई गई निश्चित शैली और परस्पर सम्बद्ध अनुपात में बनाया गया "ISI" अक्षरयुक्त भारतीय मानक ब्यूरो का मोनोग्राम, जिसमें भारतीय मानक की संख्या डिजाइन में दिखाए अनुसार मोनोग्राम के ऊपर प्रकृत हो।	1988-11-01
2.		पीतल जल सेवाओं के लिए प्लास्टिक तुल्य फ्लोट वाल्व	IS : 12234-1988	स्तम्भ (2) में दिखाई गई निश्चित शैली और परस्पर सम्बद्ध अनुपात में बनाया गया "ISI" अक्षरयुक्त भारतीय मानक ब्यूरो का मोनोग्राम, जिसमें भारतीय मानक की संख्या डिजाइन में दिखाए अनुसार मोनोग्राम के ऊपर प्रकृत हो।	1988-09-01

[सं० सीएमडी/13:9]

S.O. 1115 :—In pursuance of sub-rule (1) of the rule 9 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby, notifies that the Standard Mark(s), design(s) of which together with the description of the design(s) and the number and year of the relevant Indian Standards are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Bureau of Indian Standards Act, 1986 and the Rules and Regulations framed thereunder, shall come into force with effect from the date shown against each :

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and years of the Relevant Indian Standard	Description of the design of the Standard Mark	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1.		Standard sand for testing of cement	IS : 650-1966	The monogram of the Bureau of Indian Standards, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1988-11-01
		Plastic equilibrium floats valves for cold water services.	IS : 12234-1988	-20-	1988-09-01

का.प्र. 1116--भारतीय मानक ब्यूरो विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो द्वारा अधिसूचित किया जाता है कि सूती क्रेप पट्टियों की प्रति इकाई मुहर लगाने की फीस जिसका विवरण नीचे अनुसूची में दिया गया है, निर्धारित कर दी गई है और यह फीस 1987-08-01 से लागू होगी।

अनुसूची

क्र. सं.	उत्पाद/उत्पाद की श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहर लगाने की फीस
(1)	(2)	(3)	(4)	(5)
1.	सूती क्रेप पट्टियाँ	भामा : 4605-1981	100 वर्ग मीटर	रु. 2.00

[सं० सीएमडी/13 : 10]

S.O. 1116 :- In pursuance of sub-regulation(3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the marking fee per unit for cotton crepe bandage details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1987-08-01 :

SCHEDULE


Sl. No.	Product/Class of Product	No. and years of Relevant Standard	Unit	Marking fee per unit
(1)	(2)	(3)	(4)	(5)
1.	Cotton crepe bandage	IS : 4605-1981	100 Square metre	Rs. 2.00

[No. CMD/13 : 10]

का.प्र. 1117--भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो द्वारा अधिसूचित करता है कि जिस मुहर का डिजाइन, उसके शाब्दिक विवरण और सम्बद्ध भारतीय मानक की संख्या और वर्ष सहित नीचे अनुसूची में दिया गया है, वह निर्धारित कर दिया गया है।

भारतीय मानक ब्यूरो अधिनियम, 1986 और उसके अधीन बने नियमों तथा विनियमों के प्रयोजन के लिए यह मानक मुहर 1988-02-16 से लागू होगी।

अनुसूची


क्र. सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	मानक मुहर के डिजाइन का शाब्दिक विवरण
(1)	(2)	(3)	(4)	(5)
1.		निमज्जय पम्पसेटों के लिए मोटरें	IS : 9283-1979	स्तम्भ (2) में दिखाई गई निम्नित शैली और परस्पर सम्बद्ध अनुपात में बनाया गया "ISI" अक्षर-मुक्त भारतीय मानक ब्यूरो का मोनोग्राम, जिसमें भारतीय मानक की संख्या डिजाइन में दिखाए अनुसार मोनोग्राम के ऊपर अंकित हो।

[सं० सीएमडी/13:9]

S.O. 1117 :—In pursuance of sub-rule (1) of the rule 9 of Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards, hereby, notifies that the Standard Mark(s), design of which together with the description of the design and the number and year of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Bureau of Indian Standards Act 1986 and the Rules and Regulations framed thereunder shall come into force with effect from 1988-02-16 :

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and year of the Relevant Indian Standards.	Description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
		Motors for submersible pump-sets	IS : 9283—1979	The monogram of the Bureau of Indian Standards consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2) the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. CMD/13 : 9]

का. प्रा. 1118.—भारतीय मानक ब्यूरो विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो द्वारा अधिसूचित किया जाता है कि जिन विभिन्न उत्पादों का विवरण नीचे अनुसूची में दिया गया है उनकी इकाई मुहर लगाने की फीस निर्धारित कर दी गई है और यह फीस उनके सामने दी गई तिथि से लागू होगी।

अनुसूची

क्रम संख्या	उत्पाद/उत्पाद की श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहर लगाने की फीस	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	सीमेंट परीक्षण के लिए मानक रेत	IS : 650—1966	एक टन	रु. 5.00	1988-11-01
2.	शीतल जल सेवाओं के लिए प्लास्टिक के संतुलन प्लोट वाल्व	IS : 12234—1988	एक वाल्व	25 पैसे	1988-09-01

[सं. सीएमबी/13:10]

S. O. 1118 :—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby, notifies that the marking fee(s) per unit for various products details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each :

SCHEDULE

Sl. No.	Product/Class of Product	No. and years of Relevant Indian Standard	Unit	Marking fee per unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Standard sand for testing of Cement.	IS : 650—1966	One Tonne	Rs 5.00	1988-11-01
2.	Plastic equilibrium float valves for cold water services	IS : 12234—1988	One Valve	25 Paisa	1988-09-01

[No. CMD/13 : 10]

का. प्रा. 1119.—भारतीय मानक ब्यूरो विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो द्वारा अधिसूचित किया जाता है कि निम्नज्य पम्पसेट के लिए मोटरों की प्रति इकाई मुहर लगाने की फीस जिसका विवरण नीचे अनुसूची में दिया गया है, निर्धारित कर दी गई है और यह फीस 1988-02-16 से लागू होगी।

अनुसूची

क्र. सं.	उत्पाद/उत्पाद की श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहर लगाने की कीमत
(1)	(2)	(3)	(4)	(5)
1.	निमज्ज्य पम्पसेट के लिए मोटरें	IS : 9283-1979	एक किवा	(1) रु. 1.00 प्रति इकाई पहली 5000 कायों के लिए, (2) 75 पैसे प्रति इकाई 5001वीं इकाई से 15000 इकाइयों के लिए, (3) 50 पैसे प्रति इकाई 15001वीं इकाई और उससे अधिक के लिए।

[संख्या सीएमडी/13:10]

S.O. 1119 :- In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby, notifies that the marking fee per unit for motors for submersible pumpsets of which are given in the Schedule hereto annexed has been determined and the fee shall come into force with effect from 1988-02-16:


SCHEDULE

Sl. No.	Product/Class of Product	No. and year of Relevant Indian Standard	Unit	Marking fee per unit
(1)	(2)	(3)	(4)	(5)
1.	Motors for submersible pumpsets.	IS : 9283—1979	One KW	(i) Re 1.00 per unit for the first 5000 units; (ii) 75 paise per unit for the 5001st to 15000 units and (iii) 50 paise per unit for the 15001st unit and above.

[No. CMD/13:10]

क्र. सं. 1120.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिभूषित करता है कि जिस मानक मुहर का डिजाइन, उसके माध्यिक विवरण और सम्बद्ध भारतीय मानक की संख्या और वर्ष सहित नीचे अनुसूची में दिया गया है, वह निर्धारित कर दिया गया है।

भारतीय मानक ब्यूरो अधिनियम, 1986 और उसके अधीन बने नियमों तथा विनियमों के प्रयोजन के लिए यह मानक मुहर 1986-06-16 लागू होगी।
अनुसूची


क्र. सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	मानक मुहर के डिजाइन का माध्यिक विवरण
(1)	(2)	(3)	(4)	(5)
1.		खाद्य तेलों तथा वनस्पति की पैकिंग के लिए नम्य पैक	IS : 11352-1985	संख्या (2) में दिखाई गई निम्नलिखित शैली और परस्पर सम्बद्ध अनुपात में बनाया गया "ISI" प्रसारयुक्त भारतीय मानक ब्यूरो का मोनोग्राम, जिसमें भारतीय मानक की संख्या डिजाइन में दिखाए अनुसार मोनोग्राम के ऊपर और शब्द "पैकियां" [मोनोग्राम के नीचे अंकित हो।

[सं. सीएमडी/13:10]

S.O. 1120 :—In pursuance of sub-rule (1) of the rule 9 of Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards hereby, notifies that the Standard Mark, design of which together with the description of the design and the number and year of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Bureau of Indian Standards Act, 1986 and the Rules and Regulations framed thereunder, shall come into force with effect from 1986-06-16 :

SCHEDULE


Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and year of the Indian Standard	Description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1.		Flexible packs for packing of edible oils and Vanaspati.	IS : 11352—1985	The monogram of the Bureau of Indian Standards, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the words 'POUCHES ONLY' being superscribed on the top side and the number of the Indian Standard being subscribed under the bottom side of the monogram as indicated in the design.

[No. CMD/13 : 9]

का. आ. 1121 :—भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस मानक मुहर का डिजाइन, उसके शाब्दिक विवरण और सम्बद्ध भारतीय मानक की संख्या और वर्ष सहित नीचे अनुसूची में दिया गया है, वह निर्धारित कर दिया गया है।

भारतीय मानक ब्यूरो अधिनियम, 1986 और उसके अधीन बने नियमों तथा विनियमों के प्रयोजन के लिए यह मानक मुहर 1987-08-01 से लागू होगी।

अनुसूची


क्र. सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	मानक मुहर के डिजाइन का शाब्दिक विवरण
(1)	(2)	(3)	(4)	(5)
1.		सूती क्रेप पट्टी	IS : 4605—1987	स्तम्भ (2) में दिखाई गई निश्चित शैली और परस्पर सम्बद्ध अनुपात में बनाया गया "ISI" अक्षरयुक्त भारतीय मानक ब्यूरो का मोनोग्राम, जिसमें भारतीय मानक की संख्या डिजाइन में दिखाए अनुसार मोनोग्राम के ऊपर अंकित हों।

[सं. सीएमडी/13:9]

S.O. 1121 :—In pursuance of sub-rule (1) of the rule 9 of Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards, hereby, notifies that the Standard Mark, design of which together with the description of the design and the number and year of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Bureau of Indian Standards Act, 1986 and the Rules and Regulations framed thereunder, shall come into force with effect from 1987-08-01 :

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and year of the Relevant Indian Standard	Description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1.		Cotton crepe bandage	IS : 4605—1981	The monogram of the Bureau of Indian Standards, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. CMD/13 : 9]

नई दिल्ली, 13 अप्रैल, 1989

का.प्रा. 1122.—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2), दिनांक 1986-03-22 में प्रकाशित खाद्य एवं नागरिक पूर्ण संचालन, नागरिक पूर्ण विभाग (भारतीय मानक ब्यूरो) की अधिसूचना संख्या कां. प्रां. 1150 दिनांक 1986-02-21 का आंशिक संशोधन करने हुए भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि हथकरघे का सूती पट्टी का कपड़ा गैर-निर्जीवाणुकृत की प्रति इकाई महुँराकन फीस त्रिवका विवरण नीचे अनुसूची में दिया गया है, संशोधित कर दी गई है। महुँराकन फीस की संशोधित दर 1989-01-01 से लागू होगी।

अनुसूची

क्रम सं.	उत्पाद/उत्पाद श्रेणी	संबद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई महुँराकन फीस
(1)	(2)	(3)	(4)	(5)
1.	हथकरघे का सूती पट्टी का कपड़ा गैर-निर्जीवाणुकृत	IS : 863-1969	100 मी ²	(1) रु. 3.00 प्रति इकाई, पहली 2000 इकाइयों के लिये तथा, (2) रु. 2.00 प्रति इकाई 2001 की इकाई तथा उससे अधिक इकाइयों के लिए

[सं. सीएमडी/13:10]

New Delhi, the 13th April, 1989

S. O. 1122 :—In partial modification of the Ministry of Food and Civil Supplies, Deptt. of Civil Supplies (Bureau of Indian Standards) notification number S.O. 1150 dated 1986-02-21 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1986-03-22 the Bureau of Indian Standards hereby notifies that the marking fee per unit for handloom cotton bandage cloth details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with effect from 1989-01-01 :

SCHEDULE



Sl. No.	Product/Class of Product	No. & Year of the Relevant Indian Standard	Unit	Marking Fee per unit
(1)	(2)	(3)	(4)	(5)
1.	Handloom cotton bandage cloth, non-sterilized	IS : 863-1969	100m ²	(i) Rs. 3.00 per unit for the first 2000 units and (ii) Rs. 2.00 per unit for the 2001st unit and above.

[No. CMD/13:10]

का.प्रा. 1122.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस मानक मुहर का डिजाइन, उसके शाब्दिक विवरण और सम्बद्ध भारतीय मानक की संख्या और वर्ष सहित नीचे अनुसूची में दिया गया है, वह निर्धारित कर दिया गया है।

भारतीय मानक ब्यूरो अधिनियम, 1986 और उसके अधीन बने नियमों तथा विनियमों के प्रयोजन के लिए यह मानक मुहर 1982-02-16 से लागू होगी।

अनुसूची



क्र.सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	मानक मुहर डिजाइन का शाब्दिक विवरण
(1)	(2)	(3)	(4)	(5)
1.		ब्रश, बेल्टर के लिए टिप्पणी: उपर्युक्त भारतीय मानक के लिए मानक मुहर का डिजाइन 1988-11-01 से निम्नानुसार संशोधित किया गया है।	IS : 4517-1986	संस्था (2) में दिखाई गई निषिद्ध शैली और परस्पर सम्बद्ध अनुपात में बनाया गया "ISI" अक्षरयुक्त भारतीय मानक ब्यूरो का मोनोग्राम, जिसमें भारतीय मानक की संख्या डिजाइन में दिखाए अनुसार मोनोग्राम के ऊपर अंकित हो।
		ब्रश, बेल्टर के लिए	IS : 4517-1986	संस्था (2) में दिखाई गई निषिद्ध शैली और परस्पर अनुपात में बनाया गया "ISI" अक्षरयुक्त भारतीय मानक ब्यूरो का मोनोग्राम, जिसमें भारतीय मानक की संख्या डिजाइन में दिखाए अनुसार अनुपात मोनोग्राम के ऊपर अंकित हों।

[सं. सीएमडी/13:9]

S.O. 1123:—In pursuance of sub-rule (1) of the rule 9 of Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards, hereby, notifies that the Standard Marks, designs of which together with the description of the designs and the number and year of the relevant Indian Standards are given in the Schedule here to annexed, has been specified.

These Standard Marks for the purpose of the Bureau of Indian Standards Act, 1986 and the Rules and Regulations framed thereunder, shall come into force with effect from 1982-02-16:

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of product	No. and year of the Relevant Indian Standard	Description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1.		Brush, welder's	IS : 4517—1967	The monogram of the Bureau of Indian Standards, consisting of letters 'ISI', drawn in the exact style and relative proportions and indicated in Col. (2); the number of the Indian Standard, along with the year, being superscribed on the top side of the monogram as indicated in the design.
NOTE :—The design of the Standard Mark for the above mentioned Indian Standard has since been revised as under with effect from 1988-11-01.				
2.		Brush, welder's	IS : 4517—1986	The monogram of the Bureau of Indian Standards, consisting of letters 'ISI', drawn in the exact style and relative proportions and indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. CMD/13 : 9]

का. प्रा. 1124—भारतीय मानक ब्यूरो विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो द्वारा अधिसूचित किया जाता है कि वेल्डिंगी ब्रश की प्रति इकाई मुहर लगाने की फीम जिसका विवरण नीचे अनुसूची में दिया गया है, निर्धारित कर दी गई है और यह फीस 82-02-16 से लागू होगी।

अनुसूची

क्र. सं. उत्पाद/उत्पाद की श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	इकाई	इकाई प्रति इकाई मुहर लगाने की फीस
(1)	(2)	(3)	(4)
1.	वेल्डिंगी ब्रश	IS : 4517—1967	एक मुहर
			5 पैसे

[सं० सीएमडी/13:10]

S.O. 1124:—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby, notifies that the marking fee per unit for brush, welder's details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1982-03-16 :

SCHEDULE

Sl. No.	Product/Class of Product	No. and year of Relevant Indian Standard	Unit	Marking fee per unit.
(1)	(2)	(3)	(4)	(5)
1.	Brush, welder's	IS : 4517—1967	One Brush	5 Paise

[No. CMD/13 : 10]

का.आ. 1125—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2), दिनांक 1986-03-22 में प्रकाशित खाद्य एवं नागरिक पूर्ति मंत्रालय, नागरिक पूर्ति विभाग (भारतीय मानक बोर्ड) की अधिसूचना संख्या का.आ. 1150 दिनांक 1986-02-21 का अधिकांश संशोधन करने के लिए भारतीय मानक बोर्ड द्वारा अधिसूचित करना है कि फ्लैशलाइट के लिए शुष्क बैटरियों की प्रति इकाई मूल्यांकन फॉर्म, जिसका विवरण नीचे अनुसूची में दिया गया है, संशोधित कर दी गई है। मूल्यांकन फॉर्म की संशोधित दर 1989-02-01 से लागू होगी।

अनुसूची

क्र.सं.	उत्पाद/उत्पाद श्रेणी	संबंधित भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मूल्यांकन फॉर्म
(1)	(2)	(3)	(4)	(5)
1.	फ्लैशलाइट के लिए शुष्क बैटरियाँ	IS : 203-1984	1000 तथा	(1) 50 पैसे प्रति इकाई पहली 25000 इकाइयों के लिए और (2) 30 पैसे प्रति इकाई 25001 वीं इकाई तथा उससे अधिक की इकाइयों के लिए

[सं० सीएमडी/13:10]

S. O. 1125.—In partial modification of the Ministry of Food and Civil Supplies (Deptt. of Civil Supplies) Bureau of Indian Standards Notification number S.O. 1150 dated 1986-02-21 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1986-03-22 the Bureau of Indian Standards, hereby notifies that the marking fee per unit for dry batteries for flashlights details of which are given in the Schedule here to annexed, has been revised. The revised rate of marking fee shall come into force with effect from 1989-02-01 :

SCHEDULE

Sl. No.	Product/Class of Product	No. & Year of the Relevant Indian Standard	Unit	Marking Fee per unit
1	2	3	4	5
1.	Dry batteries for flashlights	IS : 203—1984	1000 Pieces	(i) 50 Paise per unit for the first 25000 units and (ii) 30 Paise per unit for the 25001st unit and above.

[No. CMD/13 :10]

का.आ. 1126—भारतीय मानक बोर्ड विनियम 1988 के विनियम 5 के उप विनियम (6) के अनुसूची में एनडब्ल्यू अधिसूचित किया जाता है कि लाइसेंस सं. सीएम/एल-1065033 तथा सीएम/एल-1647358 जिनके विवरण नीचे दिए गए हैं, फर्म द्वारा लाइसेंस जारी न करने के अनुमति के कारण अनुसूची में प्रत्येक लाइसेंस के सामने ही गई तिथियों में रद्द कर दिए गए हैं :

अनुसूची

लाइसेंस सं. तथा दिनांक	लाइसेंसधारक का नाम व पता	रद्द लाइसेंस के अनुरोध वस्तु/प्रश्न	संबंधित भारतीय मानक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1. सीएम/एल-1065033 1982-04-12	मैक्स मोटो स्टोर (प्रो. मोटो इंडस्ट्रियल लि.) मोटी नगर-201204 जिला गाजियाबाद (उ.प्र.)	मशीन पेंसिलों के निर्माण के लिए मृदु इस्पात तार की छड़ (अत्यंत शीघ्र प्रक्रम द्वारा)	IS : 2265-1977 मशीनी पेंसिलों के निर्माण हेतु मृदु इस्पात तार छड़ की विशिष्टि (अत्यंत शीघ्र प्रक्रम द्वारा) (द्वितीय पुनरीक्षण)	1988-08-12
2. सीएम/एल-1647358 1987-01-10	मै. सोमानी फेरो एलायम लि., कल्याणी रोड गोयसपुर, भिलाई नार्थ, (पश्चिम बंगाल) कार्यालय : 15 एम्बरस्ट, 46-वी, खोसगाँ रोड, कलकत्ता-700071	संयोजक इस्पात (मानक किस्म) माइक्रो-मशीन छड़ : Fe410-S	IS : 226-1975 तारकता इस्पात (मानक किस्म) की विशिष्टि (प्राथमिक पुनरीक्षण)	1988-09-10

[सीएमडी/55 : 1065033]

कि० रा. परमेश्वर, महानिदेशक

S.O. 1126.—In pursuance of sub-regulation (5) of regulations 5 of the Bureau of Indian Standards Regulation 1988, it is, hereby, notified that the licences No. CM/L-1065033 and CM/L-1647358, particulars of which are given below have been cancelled from the dates as mentioned in schedule against each licence on account of firm's request not to continue the licences.

SCHEDULE

Licence No. & Date	Name and Address of the licensee	Article/Process covered by the licence cancelled	Relevant Indian Standards	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1. CM/L-1065033 1982-04-12	M/s. Modi Steels (Prop. : Modi Industries Ltd.), Modinagar-201 204, Distt. Ghaziabad (U.P.).	Mild steel wire rod for the manu- facture of machine screws (by cold heading process)	IS : 2255—1977 Specification for mild steel wire rod for the manufacture of machine screws (by cold heading process) (second revision)	1988-08-12
2. CM/L-1647358 1987-01-10	M/s. Somani Ferro Alloys Ltd., Kalyani Road, Goyespur, Distt. Nadia, (West Bengal) office : 15 A Everest, 46 C, Chowringhee Road, Calcutta-700071.	Structural steel (standard quality) Size : All, Grade : Fe 410-S Size	IS : 226—1975 Specification for structural steel (standard quality) (fifth revision)	1988-09-16

[No. CMD/55 : 1065033]

K.R. PARAMESVAR, Director General

कृषि मंत्रालय

(कृषि अनुसंधान तथा शिक्षा विभाग)

नई दिल्ली, 25 अप्रैल, 1989

का. प्रा. 1127.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में एतद्वारा केन्द्रीय सरकार, कृषि मंत्रालय (कृ.प्र. नि. वि.) भारतीय कृषि अनुसंधान परिषद के विवेकानन्द पर्वतीय अनुसंधानशाला, अल्मोड़ा, और उत्तर मैदानी नागबानी अनुसंधान संस्थान लखनऊ जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फा. सं. 13-37/88-हिन्दी]

हजारी लाल, प्रवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agricultural Research & Education)

New Delhi, the 25th April, 1989

S.O. 1127.—In pursuance of sub-rule 4 of rule 10 of the official Language (Use of Official purpose of the Union) Rule, 1976, the Central Government, Ministry of Agriculture (D.A.R.E.) hereby notifies Vivekanand Parvatiya Krishi Anusandhan Shala, Almora (U.P.) and Central Institute of Horticulture for Northern plains, Lucknow (U.P.), of the Indian Council of Agricultural Research where of more than

80 per cent employees/officers have acquired the working Knowledge of Hindi

[F. No. 13-37/88-Hindi]
HAZARI LAL, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 17, अप्रैल, 1989

का. प्रा. 1128.—दल चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के खण्ड (इ) के अनुसरण में संबंधित राज्य सरकारों द्वारा निम्नलिखित व्यक्तियों को प्रत्येक के नाम के सामने दी गई तारीख से भारतीय दल चिकित्सा परिषद् का सदस्य रामनिर्देशित किया गया है, अर्थात्—

सदस्यों की विनिष्टियां	उस प्राधिकारी का नाम जिन्होंने उसे नाम निर्देशित किया	नाम निर्देशन की तारीख
(1)	(2)	(3)
डा० फकीर मोहन मिश्रा	उड़ीसा सरकार	22 मई, 1988
प्राचार्य और विभागाध्यक्ष तथा उप-प्रधानाचार्य		
दल चिकित्सा संघ (विंग)		
एस. सी. बी. चिकित्सा		
महाविद्यालय, कटक (उड़ीसा),		

1	2	3
2. डा. आर. एम पठानिया, एम. डी. एम., सहायक निदेशक (दन्त चिकित्सा) हिमाचल प्रदेश सरकार, स्वास्थ्य और परिवार कल्याण विभाग, शिमला	हिमाचल प्रदेश सरकार	13 अप्रैल, 1989

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) के साथ पठित धारा 3 के खण्ड (ङ) के अनुसरण में भारत के स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना सं. का. प्रा. 430, तारीख 24 जनवरी, 1980 का निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, धारा 3, परन्तु के साथ पठित खण्ड (ङ) के अधीन नामनिर्दिष्ट शोधक के नीचे:—

(क) क्रम संख्यांक 13 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“13 डा. फकीर मोहन मिश्रा, उड़ीसा सरकार 22 मई, 1988”
आचार्य और विभागाध्यक्ष तथा
उप-प्रधानाचार्य, दन्त चिकित्सा
स्कंध, ए०सी०बी० चिकित्सा
महाविद्यालय, कटक उड़ीसा

(ख) क्रम संख्यांक 18 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टियाँ अन्तः स्थापित की जाएंगी, अर्थात्:—

“19 डा०आर०एम० पठानिया एम. डी०एस० महायक निदेशक (दन्त चिकित्सा), हिमाचल प्रदेश सरकार स्वास्थ्य और परिवार कल्याण विभाग, शिमला 22 अप्रैल 1989”

[सं. सी 12013/2, 89/पी एम एस.]

जी. जी. के. नायर प्रवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 17th April, 1989

S.O. 1128.—Whereas in pursuance of clause (c) of section 3 of the Dentists Act, 1948 (16 of 1948), the following persons have been nominated by the concerned State Governments to be members of the Dental Council of India with effect from the date shown against each, namely:—

Particulars of members	Name of the authority which nominated him	Date of nomination
1	2	3
1. Dr. Fakir Mohan Mishra, Professor and Head of Department and Vice-Principal Dental Wing, S.C.B. Medical College, Cuttack (Orissa)	Orissa Government	22nd May, 1988

1	2	3
2. Dr. R.S. Pathania, MDS, Assistant Director (Dental), Government of Himachal Pradesh, Health and Family Welfare Department; Simla.	Himachal Pradesh Government	23rd April, 1989

Now, therefore, in pursuance of clause (c) of section 3 read with sub-section (1) of section 6 of the said Act, the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Health and Family Welfare, (Department of Health), No. S.O. 430, dated the 24th January, 1984, namely:—

In the said notification under the heading “Nominated under clause (c) read with proviso to section 3,”—

(a) for serial number 13 and the entries relating thereto, the following shall be substituted, namely:—

“13. Dr. Fakir Mohan Mishra, Professor and Head of the Department and Vice-Principal, Dental Wing, S.C.B. Medical College, Cuttack (Orissa). Orissa Government 22nd May, 1988” and

(b) after serial number 18 and the entries relating thereto, the following serial number and the entries shall be inserted, namely:—

“19. Dr. R.S. Pathania, MDS, Assistant Director (Dental), Government of Himachal Pradesh Health and Family Welfare Department, Simla. Himachal Pradesh Government 23rd April, 1989.”

[No. V. 12013/2/89-PMS]
G.G.K. NAIR, Under Secy.

नई दिल्ली, 25 अप्रैल, 1989

का. प्रा. 1129.—केन्द्रीय सरकार अधोधि और प्रसाधन सामग्री नियम, 1945 के नियम 21 के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के अधोधि नियंत्रक को, उन संघ राज्य क्षेत्रों के लिए जहाँ उक्त नियम लागू होते हैं, इन नियमों के अधीन कर्तव्य पालन के लिए “अनुज्ञापन प्राधिकारी” नियुक्त करती है।

[सं.एस-11014/3/89-डी एम एस एंड पी एक ए]
श्रीमती विनीता राय, संयुक्त सचिव

New Delhi, the 25th April, 1989

S.O. 1129.—In exercise of the powers conferred by clause (b) of Rule 21 of the Drugs and Cosmetics Rules, 1945, the Central Government hereby appoints

the Drug Controller of India as 'Licensing Authority' to perform the duties under these Rules, for the territories to which the said Rules apply.

[No. X. 11014/3/89-DMS&PFA]
MRS. VINEETA RAI, Jt. Secy.

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

राजभाषा एकक

नई दिल्ली, 1 मई, 1989

का. आ. 1130.—केन्द्रीय सरकार, राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय शिक्षा विभाग के अधीन नीचे लिखे कार्यालयों को जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

तकनीकी शिक्षक प्रशिक्षण संस्थान,
पश्चिमी क्षेत्र,
शामला हिल्स,
भोपाल - 460002 (मध्य प्रदेश)

[सं. डी 11011/44/87 रा. भा. ए.]

भगत सिंह, निदेशक (रा. भा.)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Education)

Official Language Unit

New Delhi, the 1st May, 1989

S.O. 1130.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for the Official purpose of the Union) Rules, 1976, the Central Government hereby notifies the undermentioned office under the Ministry of Human Resource Development (Deptt. of Education) 80 per cent of staff of which has acquired the working knowledge of Hindi:—

Technical Teacher's Training Institute,
Western Region,
Shamla Hills,
Bhopal-462002. (M.P.)

[No. D. 11011/44/88-OLU]
BHAGAT SINGH, Director (OL)

नागर विमानन तथा पर्यटन मंत्रालय

नई दिल्ली, 24 अप्रैल, 1989

का.आ. 1131.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, नागर विमानन तथा पर्यटन मंत्रालय के प्रशासनिक नियंत्रण में आने वाले निम्नलिखित कार्यालयों को जिनके कर्मचारी पुनः ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1. इंडियन एयरलाइंस (मुख्यालय), नई दिल्ली।
2. इंडियन एयरलाइंस के उत्तरी क्षेत्र के स्टेशन
 - (i) लखनऊ स्टेशन
 - (ii) वाराणसी स्टेशन

[सं. ई./11011/6/88-हिन्दी]
एम. गणेशपाण्डियन, निदेशक

MINISTRY OF CIVIL AVIATION & TOURISM

New Delhi, the 24th April, 1989

S.O. 1131.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (use for the official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the Ministry of Civil Aviation and Tourism, the staff of which have acquired the working knowledge of Hindi, namely:—

1. Indian Airlines (Headquarters), New Delhi.
2. Indian Airlines Stations of Northern Zone :
 - (1) Lucknow Station
 - (2) Varanasi Station

[No. E. 11011/6/88-Hindi]
S. GANESPANDIAN, Director

वाणिज्य मंत्रालय

अधिश

नई दिल्ली, 13 मई, 1989

का. आ. 1132.—भारत के निर्यात व्यापार के विकास के लिए विन्यास फिन्स तथा शहरों को निर्यात से पूर्व क्वालिटी नियंत्रण तथा निरीक्षण के अंतर्गत आने के लिए कतिपय प्रस्ताव दिये गए (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की अपेक्षाानुसार भारत सरकार के वाणिज्य मंत्रालय के अधिनियम सं. का. आ. 2292 तारीख 20 जुलाई, 1988 के अधीन भारत के राजपत्र, भाग-2, खंड 3 उपखंड (ii) में प्रकाशित किए गए थे;

और ऐसे सभी व्यक्तियों से जिनके उसमें प्रभावित होने की संभावना थी, उक्त अधिनियम के राजपत्र में प्रकाशन की तारीख से 45 दिनों के माध्यम अधिनियम और सुझाव मांगे गए थे;

और उक्त राजपत्र की प्रतियां जनता का 2 सप्ताह, 1989 को उपलब्ध करा दी गयी थी;

और उक्त प्रस्तावों पर जनता में प्राप्त आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा विचार किया गया है,

अतः अब, केन्द्रीय सरकार को निर्यात निरीक्षण परिणाम से परामर्श करके के पश्चात् यह स्पष्ट होता है कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समर्थित है, यह निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 155 तारीख 01 फरवरी, 1969 को अधिसूचित करते हुए, इसके द्वारा:—

- (1) अधिसूचित करता है कि विन्यास फिन्स तथा शहरों निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे,
- (2)(i) राष्ट्रीय या अन्तर्राष्ट्रीय गतिकों को, तथा
- (ii) उपायध-1 में निर्दिष्ट न्यूनतम शिफ्टों के अधीन प्रेषण तथा विप्रेषण के बीच तय पाए गए प्रकार के अनुसार

सांविधिक विनिर्देशों को ऐसे विन्यत फिल्मों तथा चट्टों के लिए भागक विनिर्देशों के रूप में, मान्यता दी जाती है।

(3) विन्यत फिल्मों तथा चट्टों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1989 के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार का क्वालिटी नियंत्रण और निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करता है जो निर्यात से पूर्व ऐसी विन्यत फिल्मों तथा चट्टों का लागू होगा,

(4) जलद्वारा व्यापार के दौरान ऐसी विन्यत फिल्मों तथा चट्टों के निर्यात को तब तक प्रतिबंधित करता है जब तक कि उनके प्रत्येक पर्यवेक्षण के साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 21) की धारा 7 के अधीन स्थापित किमा अधिकरण द्वारा जारी किया गया निर्यात का प्रमाण-पत्र न हो,

(5) इस प्रादेश की कोई भी बात भाषी त्रेतलों को समुद्र, भूमि या वायु मार्ग द्वारा विन्यत फिल्मों तथा चट्टों के वास्तविक व्यापार नमूने के निर्यात को लागू नहीं होगा बगुने कि ऐसे नमूनों का पोत पर्यवेक्षण निम्नलिखित मूल्य 500/- रुपए से अधिक न हो:

(6) इस प्रादेश में, विन्यत फिल्मों तथा चट्टों में छपी हुई या बिना छपी हुई, बिना किमा सहारे के लक्षकदार विन्यत फिल्मों और पटलित या अपटलित, मादा या उभरी हुई प्रकार की चट्टों अभिप्रेत होंगी।

(7) यह प्रादेश राजपत्र में प्रकाशित की तारीख को प्रवृत्त होगा।
उपाबंध-

बिना सहारे के लक्षकदार पोलोविन्यत क्लोराईड फिल्मों तथा चट्टों के लिए विनिर्देश

1. सामान्य प्रयोजन के लिए यह बिना सहारे की लक्षकदार पोलो-विन्यत क्लोराईड चट्टों अर्थात् (छपी हुई तथा बिना छपी, पटलित तथा अपटलित, मादा तथा उभरी) की आशुत करगी।

2. ये दो प्रकार की हैं :-

प्रकार 1. 0.07 से 0.25 मिलीमीटर तक की सामान्य मोटाई वाली बिना सहारे की मोटी (फिल्म)

प्रकार 2. 0.26 से 1.00 मिलीमीटर का सामान्य मोटाई वाली बिना सहारे की मोटी (चट्टों)

3. इनकी अपेक्षा जब उनका भा मा. 2076-1981 या इनके नवीनतम संशोधन में अधिकतम प्रणाली के अनुरूप परीक्षण किया जाए तो नीचे दी गयी तारणी 1 के अनुसार होगी।

तारणी-1

	बिना उभरी	उभरी
1. शोषण शोषक मोटाई तथा सामान्यतः मोटाई से अन्तः अधिकतम		
प्रणाली 1 (भा. मा. 2076-1981)	10%	12.5%
प्रणाली 2 (भा. मा. 2076-1981)	5%	7.5%
इनमें से किसी भी प्रणाली का प्रयोग किया जा सकता है।		
2. तनन मजबूती प्रकार	140 कि. ग्रा./सेमी. 2	
अनुप्रस्थ या अनुप्रस्थ न्यूनतम प्रकार 2	120 कि. ग्रा./सेमी. 2	

1	2
3. दृष्टन परीक्षण प्रकार 1	200%
न्यूनतम (न्यूनतम अनुप्रस्थ प्रकार 2)	150%

नोट: गहरे उभार तथा कठोर सामग्री होने के मामले में, न्यूनतम दृष्टन पर परीक्षण के तब तक प्रदायकर्ता के बीच हुए कठोर के अनुसार होगा।

4. थोछ सामर्थ्य न्यूनतम अनुप्रस्थ/अनुप्रस्थ 40 कि. ग्रा./सेमी. या 25 कि. ग्रा./सेमी. (गहरे उभार के लिए)

5. रंग निस्सारण परीक्षण निर्यात नमूने या फिल्म पर कोई भी धब्बा या चिह्न न हो।

नोट: "यह प्राकृतिक/संशोधित तथा साफ फिल्मों/चट्टों के मामलों में आवश्यक नहीं है।"

6. गहरे रंग को हटका करना (प्रकार परीक्षण) शोषों की सं 5 से कम होगी यथा कुछ गेड ऐसे हैं जिनमें हटके परीक्षण को सं 5 की श्रेणी प्राप्त नहीं की जा सकती है। ऐसी मामलों की श्रेणी संशोधनानुसार होगी।

7 (i) पटलित चट्टों में प्लार्डियों का शोषण नही

(ii) प्रतिशत की दृष्टि 4 00.000 चक "चिलनेट"

8. विमीय स्थिरता परिवर्तन निम्नलिखित से अधिक नहीं होगा--

(i) एकहरी लार्ड 8%

(ii) पटलित 9%

9. छपी हुई चट्टों के परीक्षण के लिए प्लार्ड का शोषण

(क) छपी हुए नमूने या किसी छपी हुई सामग्री के किमा को छेद की हटान के लिए चट्टों की संख्या पांच से अधिक होगी। प्रमाण संख्या के 10 धक्के।

(ख) धातुक तथा सफेद प्लार्ड के लिए प्लार्ड का शोषण संशोधन के अनुसार होगा।

10. क्लोकिंग परीक्षण

5 में से 1 बिरोधी परीक्षण नहीं दिखाएगा।

फिल्म तथा चट्टों

3.1 रोल तथा टेबल कवर निम्नलिखित मुख्य त्रुटियों से मुक्त होंगे :-

(i) पूर्ण डिजाइन और प्लार्ड को विकृत करने वाली वाह्य सामग्री को बंदों के कारण स्थायी प्रभाव, धब्बे तथा स्पॉट के बिना।

(ii) निरन्तर अन्तरालों पर दोहराई गयी छपाई त्रुटियां।

(iii) सतहों या किनारों पर नुकसान।

3.2 रोल तथा टेबल कवर के लिए नीचे विनिर्दिष्ट तथु कांमयां अनुमत होंगे :-

(i) चमकदार छपाई, पूर्ण डिजाइन और छपाई को विकृत न करे।

(ii) छपी हुए डिजाइन का पुनः रजिस्ट्रीकरण यदि यह जालीय तथा उच्च पर्यवेक्षण द्वारा संशोधनीय है।

(iii) फोटे गार्मोमी अंश--50 वाले रोल में 3 मिलीमीटर व्यास तक 10 से अधिक नहीं।

- (iv) स्पाही की हल्की लाईन :—50 मीटर तक लम्बे रोल में 10 सें. मी. से अधिक नहीं।
- (v) स्पाही के हल्के धब्बे—50 मि. मीटर वाले रोल में 5 मि. मी. व्यास से अधिक नहीं।
- (vi) रंग में असमानता—रोल की पूरी लम्बाई में बार-बार नहीं दोहराई जाएगी।
- (vii) अनुचित पैकिंग के कारण मोड़/सिलवर्टे—मोड़/सिलवर्टे 2 से अधिक नहीं होंगी।
- (viii) पिन छिद्र—50 मीटर लम्बे रोल में पिन छिद्रों की अनुज्ञेय संख्या होगी।

मोटाई	पिन छिद्रों की अनुज्ञेय संख्या	प्रतिमीटर पिन-छिद्रों की सं. के अधीन रहते हुए निम्न से अधिक नहीं होंगे।
0.075 से 0.12	35	4
0.13 से 0.20	20	2
0.21 से 0.50	10	1

टिप्पण :—पटलित प्रकार में पिन छिद्र अनुमत नहीं होंगे। 50 मी. के रोल में छोटी-छोटी कमियां अधिकतम 5 स्वीकृत होंगी।

3.3 रोल तथा टेबिल कवर की बिमाओं पर अनुज्ञेय सहायता निम्नानुसार होगी :—

- (i) भार : भार/वर्गमीटर (संख्या में घोषित भार पर +15% —5%)
- रेज—अधिकतम तथा न्यूनतम 20 प्रतिशत से अधिक भिन्न नहीं होगी। ऐसे मामलों में जहां संविद, में रेज घोषित है।
- (ii) चौड़ाई : +5 प्रतिशत —2 प्रतिशत
- (iii) टेबिल कवर का व्यास : ± 5 प्रतिशत

3.4 चमकदार पी. बी. सी. फ्लोरिंग की अपेक्षाएं सारणी-II के अनुसार होंगी।

सारणी—II

चमकदार पी बी सी फ्लोरिंग की अपेक्षाएं

क्रम सं.	विशिष्टताएं	अपेक्षाएं
(i) मोटाई	औसत मोटाई विनिर्दिष्ट 0.13 मिलीमीटर से अधिक नहीं होगी। किन्हीं भी दो मापों के बीच विभिन्नता 0.20 मिलीमीटर से अधिक नहीं होगी।	
(ii) रोल या चदर की चौड़ाई	विनिर्दिष्ट से चौड़ाई कम नहीं होगी तथा विनिर्दिष्ट से 6 मि. मीटर अधिक नहीं होगी।	
(iii) टाईल का आकार	बिमाएं विनिर्दिष्ट बिमाओं से 0.10 प्रतिशत से अधिक भिन्न नहीं होंगी।	

1	2
(iv) वर्णता (केवल टाईलों के लिए)	टाईलों के किनारों तथा धातुक जिक के हल्कों के मध्य की दूरी हल्के संयोजन से और आगे की ओर 0.15 मिलीमीटर से अधिक नहीं होगी।
(v) बिमाओं की स्थिरता	चदर के लिए कोई भी रेखीय बिमाएं 0.4 प्रतिशत तथा टाईल के लिए 0.25 प्रतिशत से अधिक नहीं होंगी।
(vi) पिन के प्रकाश में रंग का पक्कापन	भा. मा. 686—1957 में विनिर्दिष्ट नीले रंगे हुए ऊनी फैब्रिक के 8 मानक नमूनों की संख्या 5 से भिन्न नहीं होगी।
(vii) घुंघरालापन	0.75 मिलीमीटर से अधिक नहीं होगा।
(viii) अनविष्ट कटाव	0.10 मिलीमीटर से अधिक नहीं होगा।
(ix) लचीलापन	टूटन या दरार युक्त नहीं होगा या किसी भी खराबी के निशान दिखाई नहीं देंगे।
(x) विभिन्न तत्वों की प्रतिरोधिता (टिप्पण देखें)	निर्माज के पक्काव प्राप्त हुई औसत खरोंचों की चौड़ाई 2 मिलीमीटर से अधिक नहीं होगी। अप्रयुक्त सामग्री के साथ प्रयुक्त परीक्षणों के टुकड़ों के रंग का मिलान करते हुए कोई भी परिवर्तन का प्रभाव नहीं दिखाई देगा।
(xi) प्लाई धासजन	किसी भी परीक्षण तथा प्लाईशों के मध्य धासजन 1.05 कि. मी. / मीटर से कम नहीं होगा।
(xii) आर्द्रता गति	किसी भी रेखीय बिमाओं में परिवर्तन 0.4 प्रतिशत से अधिक नहीं होगा।
(xiii) उष्मा प्रवस्था और रिमन	प्लास्टिक का कोई भी रिमन दृष्टि-गम नहीं होगा और कम मात्रा में कोई भी परिवर्तन नहीं होगा। मैट्रिक्स परीक्षण तत्तही धरार उत्पन्न नहीं करेगा।
(xiv) प्रत्यास्थ (इलास्टिक) उत्पाद	नतन सामर्थ्य और दीर्घायु का मुख्य उत्पादन 2 एम जे/एम 3 में कम नहीं होगा।

टिप्पण :—यह अपेक्षा प्रयोग की स्थिति से संबंधित है तथा क्रेता उन तत्वों (मद सं. की निर्दिष्ट करेगा जिनसे पी बी सी फर्श की सामग्री में प्रतिरक्षित होगा "X" जैसा कि भारतीय मानक 3464—1980 में दो गयी प्रणाली देखें) के अनुसार परीक्षण किया गया है।

MINISTRY OF COMMERCE

ORDER

New Delhi, the 13th May, 1989

S.O. 1132.—Whereas for the development of the export trade of India certain proposals for subjecting Vinyl Films and Sheetings to quality control and inspection prior to export were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964 in the Gazette of India Part II, Section 3, Sub-section (ii) dated the 30th July, 1988 under the Order of the Government of India in the Ministry of Commerce No. S.O. 2292 dated the 30th July, 1988.

And whereas the objections and suggestions were invited from all persons likely to be affected thereby ; within 45 days of the publication of the said Order in the Official Gazette.

And whereas the copies of the said Gazette were made available to the public on the 2nd August, 1988.

And whereas the objections and suggestions received from the public on the said draft proposals have been considered by the Central Government ;

Now, therefore, the Central Government after consultation with the Export Inspection Council being of opinion it is necessary and expedient so to do for the development of the Export trade of India, in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) and in supersession of the notification of the Government of India in the Ministry of Commerce No. S.O. 455 dated the 1st February, 1969, hereby ;

(1) notify that Vinyl films and sheetings shall be subject to quality control and inspection prior to export ;

(2) Recognises :

(i) National or International Standards, and

(ii) Contractual specifications as agreed to between buyer and seller subject to the minimum specifications as referred to in Annexure-I, as the standard specifications for such vinyl films and sheetings.

(3) Specifies the type of quality control and inspection in accordance with the Export of Vinyl Films and Sheetings (Quality Control and Inspection) Rules, 1989 as the type of quality control and inspection which shall be applied to such vinyl films and sheetings prior to export ;

(4) Prohibits the export in the course of international trade of such vinyl films and sheetings unless every consignment thereof is accompanied by a certificate for export issued by any agency established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

(5) Nothing in this order shall apply to the export by land, sea or air of bonafide trade

samples of Vinyl films and sheetings to the prospective buyers, provided f.o.b. value of such samples does not exceed Rs. 500/-

(6) In this order, Vinyl films and sheetings shall mean printed or unprinted, unsupported flexible vinyl films and sheetings of laminated or unlaminated, plain or embossed types.

(7) This Order shall come into force on the date of publication in the Official Gazette.

ANNEXURE—1

SPECIFICATIONS FOR UN-SUPPORTED FLEXIBLE POLY VINYL CHLORIDE FILMS AND SHEETINGS.

1. It covers unsupported flexible Poly Vinyl chloride sheetings, namely, for general purpose (Printed and unprinted laminated and unlaminated plain and embossed).

2. These are of 2 types :—

Type 1 Thick (Films) un-supported having nominal thickness range 0.07 to 0.25 mm and

Type 2 Thick (Sheeting) un-supported having nominal thickness range 0.26 to 1.00 mm.

3. The requirements of these shall be as per Table-I given below, when tested as per methods laid down in IS: 2076-1981 or its later version.

TABLE—1

	Unembossed	Embossed
1	2	3
1. Avg. Gravimetric Thickness & difference from nominal thickness Max.		
Method A1 (IS : 2076-1981)	10 %	12.5 %
Method A2 (IS : 2076-1981)	5 %	7.5 %
Either of these methods can be used.		
2. Tensile strength Type 1 140Kg/cm ²		
Longitudinal or Type 2	120Kg/cm ²	
Transverse, Min.		
3. Elongation at break Type 1 200 %		
Min. (long transverse)		
Type 2	150 %	
Note : "In case of deep embossing and stiff-feel material, the minimum elongation at break shall be as agreed to between the purchaser and the supplier".		
4. Tear Strength Min. 40 Kg/cm or		
Longitudinal/transverse 25 Kg/cm		
(for deep embossing).		
5. Colour bleeding test		
No staining or marking of the control sample or filter paper.		
Note : "This is not necessary in case of natural/ uncoloured and clear film/sheetings".		

1	2	3	4
6. Colour fastness to light (Type Test).	Not less than No. 5 of the Sd. (there are certain shades or which light fastness rating No. 5 cannot be attained. the rating of such material shall be as per the contract).		
7. (i) Adhesion of plies in laminated sheets.	Satisfactory i.e. no separation of plies.		
(ii) Resistance to delamination.	4,00,000 cycles 'SCHILK-NECHT'.		
8. Dimensional stability	Change shall not exceed— (i) Singly ply 8 % (ii) Laminated 9 %		
9. Adhesion of print for printed sheets test	(a) Number of cycles to remove either printed pattern or any area of printed material shall be greater than five 10 strokes of the abrading number. (b) For metallic and white printed inks adhesion shall be as per the contract.		
10 Blocking test	(1 in 5 shall not show blocking consignments).		

FILM AND SHEETING

3.1 The rolls and table covers shall be free from following major defects :—

- (i) Stains, ink marks, permanent impressions caused by drops of foreign matter impairing the overall design and printing.
- (ii) Printing defects repeated at frequent intervals.
- (iii) Damages on surface or selvages.

3.2 The minor defects as specified below shall be permitted for rolls and table covers :—

- (i) Flushed printing not impairing overall design and printing.
- (ii) Deregistration of printing design if it is marginal and rectifiable by proper supervision.
- (iii) Ungelled shall translucent particles not more than number 10 upto 3 mm diameter in a roll of 50m.
- (iv) Faint ink lines—Not more than 10 cms. in a roll of 50 m.
- (v) Faint ink spots—Not more than 5 mm diameter in a roll of upto 50 m
- (vi) Non-uniformity in shade—Not repeated frequently in the entire length of the roll.
- (vii) Folds/wrinkles caused by improper packing—Not more than 2 folds/wrinkles.
- (viii) Pin holes—Permissible number of pinholes in a roll of length of 50m.

Thickness	Permissible No. of pinholes	Subject to the number of pinholes per running meter are not more than
1	2	3
0.075 to 0.12	35	4
0.13 to 0.20	20	2
0.21 to 0.50	10	1

Note : Pinholes are not allowed in laminated type.

Maximum of 5 nos of total minor defects are permitted in a roll of 50m.

3.3 Tolerance permissible on dimensions of rolls and table covers shall be as follows :—

- (i) Weight Weight/sq.m. (+15 % on declared—5 %) weight in contract.

Range : Max. and Min. shall not vary more than 2 %.

(In case range is declared in contract).

- (ii) Width : +5 %
- 2 %.

- (iii) Diameter of table covers : $\pm 5\%$

3.4 The requirements of flexible PVC flooring shall be as per Table—II.

TABLE-2
REQUIREMENTS OF FLEXIBLE PVC FLOORING

S. No.	Characteristic	Requirement
1	2	3
(i) Thickness		The mean thickness shall not differ by more than 0.13 mm from that specified. The variation between any two measurements shall not exceed 0.20 mm.
(ii) Width of sheet or roll		Width shall not be less than that specified and not more than 6 mm than the specified.
(iii) Tile size.		The dimensions shall not vary from the specified dimensions by more than 0.10 per cent.
(iv) Squareness (for tiles only).		Gap between the sides of the tiles and the arms of the metal jig shall not be greater than 0.15mm towards the farther end from the junction of the arms.
(v) Dimensional stability		Change in any linear dimension shall not exceed 0.4 per cent for sheet and 0.25 per cent for tiles.
(vi) Colour fastness to day light.		Shall not be inferior to that of No. 5 of the 8 standard patterns of the blue dyed woollen fabric specified in IS :686-1957.

1	2	3
(vii) Curling	Shall not exceed 0.75 mm.	
(viii) Residual indentation	Shall not exceed 0.10 mm.	
(ix) Flexibility	Shall not break, crack or show any other signs of failure.	
(Resistance to various substances (See note))	The average scratch width obtained after immersion shall not exceed 2mm. The colour of the treated test pieces shall show no significant change when compared with untreated material.	
(xi) Ply Adhesion.	Adhesion between plies in any test piece shall be not less than 1.05 Kn/m.	
(xii) Moisture Movement	Change in any linear dimensions shall not exceed 0.4 per cent.	
(xiii) Heat ageing and exudation	Not exudation of plasticizer shall be apparent nor shall there be any change in appearance. The mandrel test shall not produce surface cracking.	
(xiv) Elastic product	The mean produce of tensile strength and elongation shall be not less than 2MJ/m ² .	

Note (See Item 'X'): This requirement is related to situation of use and the buyer shall specify the substances to which the PVC flooring materials shall have resistance as tested by the method given in IS : 3464-1980.

[F. N. 6 (19)/86-HI & EP]

का० आ० 1133 :—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रयुक्त शक्तियों का प्रयोग करते हुए और विन्यस्त फिल्मों तथा चट्टरों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1969 को अधिकांश करते हुए, निम्नलिखित नियम बनाती है, अर्थात्:—

- संक्षिप्त नाम और प्रारम्भ: (1) इन नियमों का संक्षिप्त नाम विन्यस्त फिल्मों तथा चट्टरों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1989 है।
- (2) ये राजपत्र में अपने अंतिम प्रकाशन की तारीख को प्रवृत्त होंगे।
- परिभाषाएं इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,
 - "अधिनियम" से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है;
 - "अधिकरण" से अधिनियम की धारा 7 के अधीन नुस्बई, कलकत्ता, कोचीन, दिल्ली तथा मद्रास में स्थापित कोई निर्यात निरीक्षण अधिकरण अभिप्रेत है;
 - "अनुमोदित यूनिट" से प्रक्रिया के दौरान क्वालिटी नियंत्रण (आईपीक्यूसी) की अपेक्षाओं को पूरा करने वाले के रूप में अभिकरण द्वारा अनुमोदित विनिर्माण यूनिट अभिप्रेत है;

1134 GL/89—3.

- "परीक्षणानुसार निरीक्षण" परिषद् द्वारा अधिकथित रिति से अभिकरण द्वारा परीक्षण या निरीक्षण करके यह अवधारित करने की प्रक्रिया अभिप्रेत है कि क्या निर्यात के लिए आशयित विन्यस्त फिल्मों तथा चट्टरों का परीक्षण मानक विनिर्देशों के अनुरूप है;
- "परिषद्" से अधिनियम की धारा 3 के अधीन स्थापित निर्यात निरीक्षण परिषद् अभिप्रेत है;
- "प्रक्रिया के दौरान क्वालिटी नियंत्रण (जिसे इसमें इसके पश्चात् आईपीक्यूसी के रूप में भी निर्दिष्ट किया है (से क्वालिटी नियंत्रण की वह प्रणाली अभिप्रेत है जिसके द्वारा विनिर्माण एकक परिषद् द्वारा अधिकथित रिति से सामग्री तथा संघटकों के रूप विनिर्माण, निरीक्षण, परिरक्षण तथा पैकिंग के विभिन्न स्तरों पर नियंत्रण का प्रयोग करके यह सुनिश्चित करना है कि विन्यस्त फिल्मों तथा चट्टरों मानक विनिर्देशों के अनुरूप विनिर्माण की जाती है;
- "कालिक निरीक्षण" से अनुमोदित यूनिट में अभिकरण के अधिकारी (अधिकारियों) द्वारा अन्तरालों पर उत्पादन प्रक्रिया के दौरान क्वालिटी नियंत्रण (आईपीक्यूसी) अपेक्षाओं का अनुपालन सुनिश्चित करने के लिए किया गया निरीक्षण अभिप्रेत है;
- "स्थल पर जांच" से किसी निर्यात परीक्षण के अभिकरण द्वारा परिषद् द्वारा अधिकथित रिति से मानक विनिर्देशों से उसकी अनुकूलता सुनिश्चित करने के लिए किया गया निरीक्षण अभिप्रेत है;
- "विन्यस्त फिल्मों तथा चट्टरों" से छपी हुई या बिना छपी हुई बिना सहारे की लंबकदार विन्यस्त फिल्मों तथा पट्टित या अपट्टित प्रकार की चट्टरों अभिप्रेत है।

3. निरीक्षण का आधार:

- निर्यात के लिए आशयित विन्यस्त फिल्मों तथा चट्टरों का निरीक्षण यह देखने के विचार से किया जाएगा कि ये निम्नलिखित धारा 1 पर अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त मानक विनिर्देशों के अनुरूप हैं:—
- उपनियम (2) के अनुसार अनुमोदित यूनिट द्वारा प्रयुक्त उत्पादन के दौरान क्वालिटी नियंत्रण के आधार पर;
- परीक्षणानुसार निरीक्षण के आधार पर;
- या
- दोनों द्वारा;

2. प्रक्रिया के दौरान क्वालिटी नियंत्रण (आईपीक्यूसी)

- कोई भी विनिर्माण एकक, जो अपने द्वारा विनिर्मित विन्यस्त फिल्मों तथा चट्टरों का निर्यात करने का ह्छुक हो और जिसके पास प्रक्रिया के दौरान पर्याप्त क्वालिटी नियंत्रण हो, प्रक्रिया के दौरान क्वालिटी नियंत्रण (आईपीक्यूसी) के अधीन अनुमोदित प्राप्त करने के अपने आशय की सूचना देने हुए अभिकरण को आवेदन करेगा।
- उत्पत्तिका अभिकरण एकक द्वारा प्रयोग में लाए गए प्रक्रिया के दौरान पर्याप्त क्वालिटी नियंत्रण (आईपीक्यूसी) का निर्धारण करने के लिए व्यवस्था करेगा तथा यदि उसका समाधान हो जाता है तो वह विनिर्माण एकक को अनुमोदित एकक घोषित करेगा।

- (iii) अपना यह समाधान करने के प्रयोजन के लिए कि अनुमोदित एकक द्वारा प्रक्रिया के दौरान आवश्यक क्वालिटी नियंत्रण बनाए रखा गया है, अभिकरण कागसिक निरीक्षण तथा स्थल पर जांच करेगा।
- (iv) तथापि प्रक्रिया के दौरान, क्वालिटी नियंत्रण के अधीन एकक को दिया गया अनुमोदन परिषद् द्वारा इस संबंध में अधिकथित मानकों के अनुसार अभिकरण द्वारा बम से बम सात दिन की सूचना देने के पश्चात् वापस ले लिया जाएगा।
- (v) कोई एकक जिसका अनुमोदन वापस ले लिया गया है, कमियों में सुधार करने के पश्चात् पुनः अनुमोदन के लिए अभिकरण को नया आवेदन देगा।

निरीक्षण की प्रक्रिया :

- (1) विन्यल फिल्मों तथा शीटों के परेषण का निर्यात करने का आशय रखने वाला निर्यातकर्ता अपने ऐसा करने के आशय की सूचना अभिकरण का निरीक्षण के लिए परेषण के श्रेणी जाने से कम से कम सात दिन पूर्व लिखित रूप में देगा ताकि अभिकरण परिषद् द्वारा अधिकथित प्रक्रिया तथा नियम 3 के अनुसार परेषण का निरीक्षण कर सके।
- (2) अभिकरण अपना यह समाधान कर लेने पर कि परेषण अधिनियम की अपेक्षाओं तथा मानक विनिर्देशों के अनुरूप है, यह सूचना प्राप्त होने के सात दिन के भीतर इस आशय का प्रमाण-पत्र जारी करेगा कि उक्त परेषण क्वालिटी नियंत्रण और निरीक्षण से संबंधित शर्तों को पूरा करता है तथा निर्यात योग्य है।

यदि अभिकरण का ऐसा समाधान नहीं हो पाता है तो वह सात दिनों की उक्त अवधि के भीतर उसके कारणों सहित लिखित रूप में प्रमाण पत्र जारी करने से इंकार कर देगा।

- (3) प्रमाणन के पश्चात् अभिकरण मंडार में, अभिवहन में या पत्तन पर परेषण का पुनः निर्धारण कर सकता है। परेषण को अपेक्षाओं के अनुरूप न पाए जाने पर, मूलतः जारी किया गया प्रमाण-पत्र वापस ले लिया जाएगा।

5. निरीक्षण का स्थान :

प्रत्येक निरीक्षण इन नियमों के अधीन—

- (क) विनिर्माण एकक के परिसरों पर,
या
- (ख) उन परिसरों पर किया जाएगा जहां निरीक्षण के लिए माल प्रस्तुत किया जाता है परन्तु यह तब जब कि इस प्रयोजन के लिए वहां पर्याप्त सुविधाएं विद्यमान हों।
या
- (ग) लदवाई के पत्तन पर,
किया जाएगा।

6. निरीक्षण फीस :

निर्यातकर्ता द्वारा अभिकरण का निरीक्षण फीस का संदाय निम्नलिखित रूप में किया जाएगा।

- (i) (क) प्रक्रिया के दौरान क्वालिटी निरीक्षण स्कीम के अधीन निर्यात के लिए प्रति परेषण न्यूनतम 20 रु. के अधीन रहते हुए, पोत, पर्वत निःशुल्क मूल्य के 0.2 प्रतिशत की दर से;
- (ख) परेषणानुसार निरीक्षण के अधीन निर्यात के लिए प्रति परेषण न्यूनतम 20 रु. के अधीन रहते हुए पोत पर्वत निःशुल्क मूल्य के 0.4 प्रतिशत की दर से;

- (ii) (क) उन विनिर्माताओं/निर्यातकर्ताओं के लिए जो राज्यों/संघ राज्य क्षेत्रों की संबंधित सरकारों के साथ लघु उद्योग विनिर्माण क्षेत्रों के रूप में रजिस्ट्रिकृत हैं, प्रति परेषण न्यूनतम 20 रु. के अधीन रहते हुए, (क) तथा (ख) के लिए क्रमशः 0.18 प्रतिशत और 0.36 प्रतिशत की दर होगी।

7. अपील :—

- (1) नियम 4 के उपनियम (2) के अधीन प्रमाण-पत्र देने से अभिकरण के इंकार करने से व्यक्ति कोई व्यक्ति उसको ऐसे इंकार की सूचना प्राप्त होने के दस दिन के भीतर इस प्रयोजन के लिए केन्द्रीय सरकार द्वारा नियुक्त विशेषज्ञों के पैनल की अपील कर सकेगा, जिसमें पैनल की कुल सदस्यता के कम से कम दो तिहाई सदस्य गैर-सरकारी सदस्य होंगे।
- (2) पैनल की गणपूर्ति तीन से होगी।
- (3) अपील पैनल द्वारा उसके प्राप्त होने के 15 दिन के भीतर निपटा दी जाएगी।

[फा. सं. 6(19)/86-ईआई एंड ई. पी]
ए. के. चौधरी, निदेशक

S.O. 1133.—In exercise of the powers conferred by Section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) and in supersession of the Export of Vinyl films and Sheetings (Quality Control and Inspection) Rules, 1969 the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Export of Vinyl Films and Sheetings (Quality Control and Inspection) Rules, 1989.

(2) They shall come into force on the date of their final publication in the Official Gazette.

2. Definition.—In these rules, unless the context otherwise requires.—

- (a) “Act” means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).
- (b) “Agency” means any Export Inspection Agency established under section 7 of the Act at Bombay, Calcutta, Cochin, Delhi and Madras ;
- (c) “Approved Unit” means a manufacturing unit approved by the Agency as having satisfied the requirements of IPQC ;
- (d) “Consignmentwise Inspection” means the process of determining whether a consignment of Vinyl films and sheetings meant for export complies with the standard specifications, by inspection and testing by the Agency in a manner as laid down by the Council ;
- (e) “Council” means the Export Inspection Council Established under Section 3 of the Act ;
- (f) “In process Quality Control” (hereinafter also referred to as IPQC) means a system of quality control by which a manufacturing unit ensures that Vinyl films and sheetings

are manufactured to conform to the standard specifications by exercising control at different stages of purchase of materials and components, manufacture, inspection preservation and packing in a manner as laid down by the Council;

- (g) 'Periodic visit' means a visit made by Officer(s) of the Agency to the approved unit at intervals to ensure compliance of the requirements of IPQC in the unit;
- (h) 'Spot check' means an inspection by the Agency of an export consignment to ensure its conformity to the standard specifications in a manner as laid down by the Council, and
- (i) 'Vinyl films and sheetings' shall mean painted or un-printed unsupported flexible vinyl films and sheetings of laminated or unlaminated types.

3. Basis of Inspection.—(1) Inspection of Vinyl Films and sheetings intended for Export shall be carried out with a view to seeing that the same conforms to the standard specifications recognised by the Central Government under section 6 of the Act :—

- (a) on the basis of In-process Quality Control exercised by an approved unit in accordance with sub-rule (2), or
- (b) on the basis of consignmentwise inspection, or
- (c) by both.

(2) Inprocess Quality Control (IPQC).

- (i) Any manufacturing unit intending to export vinyl films and sheetings manufactured by it and having adequate IPQC shall apply to the Agency intimating therein its intention to seek approval under IPQC.
- (ii) The Agency shall then arrange to assess adequacy of IPQC exercised by the unit and if satisfied, the Agency shall declare the unit as an approved unit.
- (iii) For the purpose of satisfying itself that necessary IPQC is continued to be maintained by the approved unit, the Agency shall carry out periodic visits and spot checks.
- (iv) The approval accorded to the unit under IPQC may, however, be withdrawn by the Agency, as per norms laid down in this regard by the Council, after giving a notice of minimum period of seven days.
- (v) A unit, whose approval has been withdrawn, may, after rectifying the deficiencies, make fresh application to the Agency for fresh approval.

4. Procedure of Inspection.—(1) An exporter intending to export a consignment of Vinyl films and sheetings shall submit an intimation for inspection,

in writing, to the Agency of his intention so to do, not less than seven days prior to the despatch of the consignment, to enable the Agency to carry out inspection of the consignment as per rule 3 and the procedure laid down by the Council.

(2) The Agency, on satisfying itself that the consignment conforms to the standard specifications and requirements of the Act, shall issue a certificate to the effect that the said consignment satisfies the conditions relating to quality control and inspection and is exportworthy within seven days of receipt of the intimations.

Provided that where the Agency is not so satisfied, it shall, within the said period of seven days, refuse in writing to issue the certificate alongwith the reasons thereof.

(3) Subsequent to certification, the Agency may reassess the consignment in storage, in transit or at the port. In the event of the consignment being found not conforming to the requirements the certificate originally issued shall be withdrawn.

5. Place of Inspection.—Every inspection under these rule shall be carried out.

(a) at the premises of manufacturing unit.

or

(b) at the premises at which the goods are offered for inspection, provided adequate facilities for the purpose exist therein.

or

(c) at the port of shipment.

6. Inspection fee.—Inspection fee shall be paid by the exporter to the Agency as under :—

- (i) (a) for exports under in-process quality control Scheme at the rate of 0.2 per cent of the f.o.b. value, subject to a minimum of Rs. 20/- per consignment;
- (b) For reexports under consignmentwise inspection at the rate of 0.4 per cent of the f.o.b. value, subject to a minimum of Rs. 20/- per consignment;
- (ii) Subject to the minimum of Rs. 20/- per consignment the rate shall be 0.18 per cent and 0.36 per cent for (a) and (b) respectively for manufacturers/exporters who are registered as small scale manufacturing units with the concerned Government of State/Union Territories.

7. Appeal.—1. Any person aggrieved by the refusal of the Agency to issue a certificate under sub-rule (2) and rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a Panel of experts as may be appointed for the purpose, by the Central Government, consisting of non-official of atleast two-thirds of the total membership of the Panel.

2. the quorum of the Panel shall be three.

3. The appeal shall be disposed of by the Panel within fifteen days of its receipt.

[F. No. 6(19)86-EI & EP]
A. K. CHAUDHURI, Director.

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आदेश

आदेश

नई दिल्ली, 29 अप्रैल, 1989

नई दिल्ली, 20 अप्रैल, 1989

का. आ. 1134.—श्रीमती नीलू मेहता, डेरावाल नगर, दिल्ली-9 को उनकी विदेश में विदेशी मुद्रा बचत के अन्तर्गत जापान से पुरानी मितसुवाशी हैंड फेड ऑफसेट प्रिंटिंग मशीन दो सेट विनिर्माण वर्ष, 1988 के आयात हेतु रु. 97,400 (समान्य हज़ार, चार सौ रुपये मात्र) के लिए एक आयात लाइसेंस सं. पी/सी.जी./2100000 दिनांक 5-5-86 प्रदान किया गया था।

2. पार्टी ने उपर्युक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति की दूसरी प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि उनका सीमाशुल्क प्रयोजन सम्बन्धी मूल लाइसेंस प्रति उनसे खो गई है। भागे यह भी कहा गया है कि सीमाशुल्क प्रयोजन प्रति की बम्बई सीमाशुल्क के पास पंजीकृत कराया गया था और इस प्रकार से उसके मूल्य का आंशिक प्रयोग किया गया है।

3. इस आशय के अनुसमर्थन में लाइसेंसधारक ने नोटरी पब्लिक, दिल्ली प्रशा., दिल्ली को समक्ष विधिबद्ध शपथ लेते हुए एक हलफनामा प्रस्तुत किया है। तदनुसार मैं संतुष्ट हूँ कि लाइसेंस सं. पी/सी जी 2100000 दिनांक 5-5-86 की सीमाशुल्क प्रयोजन सम्बन्धी मूल प्रति उनसे खो गई है। यथासंगठित आयात (नियंत्रण) आदेश, 1955 का उप धारा 9(सी सी) द्वारा उक्त शक्तियों का प्रयोग करते हुए श्रीमती नीलू मेहता, दिल्ली को उक्त मूल सीमाशुल्क प्रयोजन सम्बन्धी प्रति की एतद्द्वारा रद्द किया जाता है।

4. उक्त लाइसेंस की सीमाशुल्क प्रयोजन सम्बन्धी प्रति की दूसरी प्रति पार्टी को अलग से जारी की जा रही है।

[सं.सी.जी. 2/144/48/आई.एन.एस.ए./86-87/88]

सफ़ात अहमद, उप मुख्य नियंत्रक, आयात-निर्यात

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 20th April, 1989

S.O. 1134.—Mrs. Neelu Mehta, A-149, Derawal Nagar, Delhi-9 was granted an import licence No. P/CG/2/100000 dated 5-5-86 for Rs. 97,400 (Rupees Ninety Seven thousand and four hundred only) for import of Second-hand Mitsuwashi hand Fed Offset Printing Machine Two-Sets—years of manufacture—1980 from Japan under applicant's own foreign exchange saving abroad.

2. The Party applied for issue of Duplicate copy of Customs purposes copy of the above mentioned licence on the ground that the original customs purposes copy of the licence has been lost. It has further been stated that the customs purposes copy of the licence was registered with Bombay Customs House and as such the value of customs purpose copy has been utilised partly.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Delhi Administration Delhi. I am accordingly satisfied that the original customs purposes copy of import licence No. P/CG/2100000 dated 5-5-86 has been lost by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (control) Orders, 1955 dated 7-12-1955 as amended the said original customs purposes copy No. P/CG/2100000 dated 5-5-86 issued Mrs. Neelu Mehta, Delhi is hereby cancelled.

4. A duplicate customs purposes copy of the said licence is being issued to the party separately.

[No. CGI/144/48/IN3A/86-87/88]

SHIAFFAT AHMED, Dy. Chief Controller of Imports and Exports

का. आ. 1135.—मैसर्स राजेश बी. तन्ना, 23-24, बेसमेंट, देव भूमि विजय रेस्टोरेंट के पास, ड्राइवर-इन-रोड, अहमदाबाद को सामान्य मुद्रा क्षेत्र के अन्तर्गत संलग्न सूची के अनुसार संघटकों के आयात के लिए 2,50,000 रुपये (दो लाख पचास हजार रुपये) के लिए एक आयात सीमाशुल्क निकासी परमिट सं. पी/एस/1504639 दिया गया था।

2. फर्म ने उपर उल्लिखित लाइसेंस/सीमाशुल्क निकासी परमिट की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क निकासी परमिट गुम हो/खो गया है। फर्म ने भागे यह भी उल्लेख किया है कि लाइसेंस/सीमाशुल्क निकासी परमिट किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं था इसलिए उसका बिल्कुल भी उपयोग नहीं किया गया है।

3. अपने तर्क के समर्थन में, लाइसेंसधारी ने नोटरी पब्लिक गुजरात महाराष्ट्र के समक्ष विधिबद्ध शपथ लेकर एक शपथपत्र दाखिल किया है। तदनुसार, मैं संतुष्ट हूँ कि मैसर्स राजेश बी. तन्ना 23-24 बेसमेंट, देव, भूमि, विजय रेस्टोरेंट के पास, ड्राइवर-इन-रोड, अहमदाबाद को जारी मूल सी. सी. पी. लाइसेंस सं. पी/एस/1504639 दिनांक 9-8-88 फर्म से खो/गुम हो गया है।

4. समय-समय पर यथासंगठित दिनांक 7-12-1955 के आयात (नियंत्रण) आदेश, 1955 के उप खण्ड 9(गग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स राजेश बी. तन्ना, अहमदाबाद को जारी उक्त सी सी पी सं. पी/एस/1504639 दिनांक 9-8-88 को एतद्द्वारा रद्द किया जाता है।

उक्त लाइसेंस/सीमाशुल्क निकासी परमिट की अनुलिपि प्रति पार्टी को अलग से जारी की जा रही है।

[सं. पुर्ति/एन. एस.-12/1484/88/एस. एल. एस./12]

एस कुनूर, उप मुख्य नियंत्रक आयात निर्यात

उत्ते मुख्य नियंत्रक, आयात-निर्यात

ORDER

New Delhi, the 28th April, 1989

S.O. 1135.—M/s. Rajesh B. Tanna, 23-24, Basement, Deve Bhumi, Near Vijay Restaurant, Driver-in-Road, Ahmedabad has been granted an Import CCP No. P/S/1504639 dt. 9-8-88 for Rs. 2,50,000/- for import of Components as per list attached under GCA.

2. The firm has applied for issue of Duplicate copy of the above mentioned licence/CCP on the ground that the original CCP has been lost or misplaced. It has further been stated that the licence/CCP has not been registered with any Customs-Authority and the same has not been utilised at all.

3. In support of their contention, the licensee has filed an affidavit on Stamped Paper duly sworn in before a Notary Public, Gujarat, Maharashtra. I am accordingly satisfied that the Original CCP/Licence No. P/S. 1504639 dt. 9-8-88 issued to M/s.

Rajesh B. Tanna, 23-24, Basement, Dev Bhumi, Near Vijay Restaurant Driver-in-road, Ahmedabad has been lost/misplaced by the firm.

4. In exercise of the powers conferred under Sub-clause-9(cc) of the Import (Control) Order, 1955 dt. 7-12-1955 as amended the said CCP No. P[S]1504639 dt. 9-8-88 issued to M/s. Rajesh B.—Tanna, Ahmedabad is hereby cancelled.

A duplicate copy of the said licence CCP is being issued to the party separately.

[No. Suppl/NS-12/1484/88/SLS/12]
S. KUJUR, Dy. Chief Controller of Imports
and Exports for Chief Controller of Imports
and Exports

अस मंत्रालय

नई दिल्ली, 25 अप्रैल, 1989

का. प्रा. 1136.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तूतीकोरीन पोर्ट ट्रस्ट के प्रबंधन से संबंधित नियोजनों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक प्रतिक्रिया, मद्रास के पेशपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 19-4-89 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 25th April, 1989

S.O. 1136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tuticorin Port Trust and their workmen, which was received by the Central Government on the 19-4-89.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Friday, the 7th day of April, 1989

Industrial Dispute No. 77 of 1985

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Tuticorin Port Trust, Tuticorin).

BETWEEN

The workmen represented by

The Secretary, Tuticorin Port Mariners Union, 403, Lions Town, Tuticorin-628001.

AND

The Chairman, Tuticorin Port Trust, Tuticorin.

REFERENCE :

Order No. L-44012/2/84-D. IV(A) dated of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 15th day of March, 1989 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru G. Balaram, Authorized Representative appearing for the workmen and of Tvl. D. Raju and M. Venkatachulapathy, Advocates for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This dispute between the Workman and the Management of Tuticorin Port Trust, Tuticorin arises out of a reference under Section 10 (1) (d) of the Industrial Disputes

Act, 1947 by the Government of India in its Order No. L-44012/2/84-D(A) dated Nil of the Ministry of Labour for adjudication of the following issue :

"Is the Tuticorin Port Mariners Union justified in demanding promotion to Sri T. Joseph Stanley, Store Keeper, to the Post of Head Clerk, if so to what relief the workman is entitled to".

2. The averments in the claim petition are that one T. Joseph Stanley was appointed as Lower Division Clerk on 15-10-63 at Tuticorin Harbour Project and finally it was renamed as Tuticorin Port Trust with effect from 1-4-79. At the time of appointment the line of promotion was as follows.—Lower Division Clerk|Upper Division Clerk|Store Keeper-Cashier|Head Clerk. The said Joseph Stanley was promoted as Store Keeper on adhoc basis. He was temporarily promoted as Store Keeper and he joined duty on 29-7-77. Section 29F of the Major Port Trust Act, 1963 reads as follows .

"Every employee serving under the Central Government or as the case may be, the other authority immediately before such day solely or mainly for or in connection with the affairs of the port shall become an employee of the board, shall hold his office or service therein by the same tenure and upon the same terms and conditions of service as he would have held the same if the board had not been established and shall continue to do so unless and until his employment in the Board is terminated or until his tenure, remuneration or terms and conditions of service are duly altered by the said board.

Provided that the tenure remuneration and terms and conditions of service of any such employee shall not be altered to his disadvantage without the previous sanction of the Central Government.

He was also confirmed as Store Keeper with retrospective effect from 1-4-80. As per original recruitment rules, Lower Division Clerks were entitled to be promoted as Store Keeper, Upper Division Clerk, Cashier, While said Joseph Stanley was working as a Store Keeper, vacancies for the post of Head Clerk arose in the Port Trust and instead of promoting Joseph Stanley or promotion to the post of Head Clerk as per original service condition, protected under Section 29-F of the Major Port Trust Act, 1963 the Port Trust promoted an Upper Division Clerk, who is Junior to Joseph Stanley, as Head Clerk. The administration did not call for any option from the employee at the time of his promotion as Store Keeper. The conditions of service applicable to the existing employees shall not be altered without previous sanction of the Central Government. No such sanction was obtained by the administration and new recruitment rules have got into force adversely affecting Joseph Stanley and others in the matter of promotion. The denial has been done by the Management without giving notice under Section 9-A of the I.D. Act. The denial of promotion is illegal and unjustifiable. Hence the claim petition.

3. The Respondent in the counter statement states that Joseph Stanley was promoted as Store Keeper on Adhoc basis with effect from 30-7-77 and was confirmed as Store Keeper with effect from 1-4-80. It is correct as per the original recruitment rules, Lower Division Clerks were entitled to be promoted as Store Keeper|Upper Division Clerk and Cashier. It is incorrect to state that when vacancies arose for the post of Head Clerk, the Juniors were promoted instead of promoting Joseph Stanley. The promotion of the people were made only in accordance with the provision of recruitment rules which came into force on 1-4-79. The claim petition refers to the promotion of Juniors is not relevant. After the formation of the Tuticorin Port Trust, the employees of the Port Trust came to be governed by the Tuticorin Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1979 made and notified by the Central Government as the First Regulations in exercise of the powers conferred by it by Section 126 of the Major Port Trusts Act, 1963. As per Regulation 34, Upper Division Clerks with 5 years service alone are eligible for pro-

motion to the post of Head Clerk. The Regulation do not provide for promotion of Store Keeper to the post of Head Clerk. Promotions had to be made to any higher post from only the feeder post in the respective line as provided in the Regulations. Again by virtue of Rule 12-A of the Fundamental Rules, which is applicable to the employees of the Tuticorin Port Trust and Government Servant appointed in a substantive capacity to any permanent post acquired a lien on that post and ceases to hold any lien previously acquired on any other post. Therefore, the seniority could be maintained only to be considered with the post of Head Clerk as per present Regulations. There was no need to call for any option from the employee at the time of promotion since it was made as per existing rules. The terms and conditions of the Service of an employee as per Section 29-F of the Major Port Trust Act can be altered even to the disadvantage by the Board with the previous sanction of Central Government. The terms and conditions have been altered by the Tuticorin Port Trust Employee Regulations, 1979 by the Central Government itself and not by the Board. Therefore no plea can be set up on the ground that the Administration did not obtain the previous sanction of the Central Government. Section 9-A of the Industrial Disputes Act cannot be invoked by the Petitioner since the promotion not being one of the conditioned service prescribed under the Schedule. Further the fundamental and Supplementary Rules and Regulations that may be notified in this behalf by the Central Government in the Official Gazette referred to in proviso (b) to Section 9-A of the Industrial Disputes Act were applicable to the employee prior to formation of the Port Trust are applicable to him as employee under the New Regulations. The plea under Section 9-A is therefore not available to the Petitioner. Hence Joseph Stanley is not entitled to the promotion as prayed for.

4. The point for determination is (i) whether the demand of the Petitioner-Union to promote Joseph Stanley to the Post of Head Clerk is justified? (ii) if so to what relief.

5. The Petitioner filed W-1 to W-4 of which W-1 is the copy of the Gazette Notification dated 31-12-68 making rules regulating the method of recruitment in class III and IV posts in the Tuticorin project. It shows that for promotion to the category of Head Clerk the feeder post in the respective line was Clerks, Store Keeper, Cashiers with 5 years of service in the grade of the project.

6. W-2 is a copy of promotion order dated 29-7-77 of Joseph Stanley to the post of Store Keeper.

7. W-3 is the copy of the Confirmation order to the post of Store Keeper.

8. These cannot be disputed by the Respondent-Management. The case of the Petitioner is that on the basis of W-1, Copy of Gazette Notification, promotion to the category of Head Clerks as have been existing were from Upper Division Clerks, Store Keepers, Cashiers with 5 years services in the grade of the project. This is also not disputed by the Respondent-Management. The plea of the Petitioner is that instead of promoting Joseph Stanley as Head Clerk, the Juniors have been promoted. The Authorised Representative to the Petitioner relied on Section 29-F of the Madras Port Trust Act, 1963. Section 29F says :—

“Every employee serving under the Central Government or as the case may be, the other authority immediately before such day solely or mainly for or in connection with the affairs of the Port shall become and employee of the Board, shall hold his office or service therein by the same tenure and upon the same terms and conditions of service as he would have hold the same if the board had not been established and shall continue to do so unless and until his employment in the Board is terminated or until his tenure remuneration or terms and conditions of service are duly altered by the Board.

Provided that the tenure remuneration and terms and conditions of service of any such employee

shall not be altered to his disadvantage without the previous sanction of the Central Government.”

Stress is laid on the proviso of 29-F contending to the tenure remuneration and terms and conditions of service of any such employee shall not be altered to his disadvantage without previous sanction of Central Government. As against this proviso of 29-F it is pointed out by the learned counsel for the Respondent-Management that the conditions of service were not altered by the Respondent-Management without previous sanction of the Government. In fact the conditions of service of the employee of the Port Trust were altered by the Central Government itself by passing regulations by virtue of Section 126 of the Major Port Trust Act. It is the case of the Respondent that under Section 126, the Central Government has powers to make First Regulations. Section 126 says :—

“Notwithstanding anything contained in this Act, the First Regulation under this Act shall be made by the Central Government and shall have effect on being published in the Official Gazette.”

In exercise of this power, regulations have been framed and also published in the Gazette as can be seen from the Gazette Notification dated 16-3-1979. All these regulations came into force from 1-4-79. Regulation 34 says : “For the post of Head Clerk a selection should be made by promoting Upper Division Clerk with five years service in the grade in the Port after appointment thereto on a regular basis.” In view of this new regulation having been made superseding earlier rules, dated 13-12-68, Joseph Stanley could not be considered for the post of Head Clerk. It is stressed that only the persons working as Upper Division Clerk with 5 years service in the Grade of a regular basis has to be considered. The question of considering Joseph Stanley does not at all arise. The earlier notification framing rules under W-1 for promotion of Head Clerks, it includes the categories of Store Keeper and Cashier should be considered along with Upper Division Clerks. It is true, it appears to be same category. But under new regulation the Government thought fit to consider only Upper Division Clerk has eligible for promotion to the post of Head Clerk. The Respondent-Management has no alternative except to consider the new regulation. It cannot be contended that the Board has violated Section 29-F by changing the condition of service to the disadvantage of said Joseph Stanley without the previous sanction of Central Government. It is completely forgotten by the Petitioner-Union that a category of service namely Store Keeper originally included and subsequently taken away by a new regulation cannot be considered for the promotion on the old regulation which is no longer in force. As a matter of fact under Section 37, the old regulations which were in force immediately before the commencement of these regulations are repealed. Therefore the Petitioner-Union cannot contend the assurance given under Proviso 29-F has been taken away by the Board. The Proviso 29-F, as rightly pointed out by the Respondent-Board, would be attracted only if the condition of service are changed by the Board itself.

9. The next contention of the Petitioner-Union is that no notice for change of service condition was given as contemplated under Section 9-A of the Industrial Disputes Act. Section 9-A reads that :—

“No employer, who proposes to effect any change in the condition of service applicable to any workman in respect of any matter specified in the Fourth Schedule shall effect such change;

(a) without giving to the workman likely to be affected by such change a notice in the prescribed manner of the nature of change proposed to be effected; or

(b) within 21 days of giving such notice;

It is urged by the learned authorised Representative that the case would fall under Item 8 of Fourth Schedule namely withdrawal of any customary concession or privilege or change in usage. I am unable to accept this argument since no customary concession or privilege or change in usage

have been violated so as to give a notice under Section 9-A of the Industrial Disputes Act. Further the condition of service having not been altered by the Respondent-Management the question of giving notice of change of service condition by the Respondent does not at all arise. However, it is contended by the learned Counsel for the Respondent that 9-A will not be applicable for the persons to whom the fundamental and supplementary rules are applicable. In this case, the fundamental rules are applicable to the employees of the Respondent-Management. Hence the application of 9-A is also not attracted. Viewed from any angle, the Petitioner-Union is not justified in demanding promotion to Joseph Stanley, Store Keeper to the Post of Head Clerk. Hence this point is found against the Petitioner.

10. POINT (i) : The Petitioner is not entitled to any relief.

11. POINT (ii) : In the result the claim is rejected and an award is passed accordingly. No cost.
Dated, this 7th day of April 1989.

Sd/-

K. NATARAJAN, Industrial Tribunal.

WITNESSES EXAMINED

For Both Sides.—None.

DOCUMENTS MARKED

For Workman :

Ex. W-1/31-12-68.—Copy of Gazette Notification (Ports) No. 3-PE(14)/68.

W-2/29-7-77.—Copy of the Promotion Order of Shri T. Joseph Stanley, Lower Division Clerk to the Post of Store-Keeper on adhoc basis.

W-3/23-2-82.—Confirmation Order in the post of Store Keeper (copy).

W-4/—Extract of Section 29-F and 126 of the Major Port Trusts Act, 1963. (copy).

Sd/-

K. NATARAJAN, Industrial Tribunal
[No. L-44012/2/84-D.IV(A)/D.III(B)]

का प्र 1137—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इंडियन आयल कॉर्पोरेशन, बरौनी रिफाइनरी के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 20-4-89 की प्राप्ति हुआ था।

S.O. 1137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. I, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Oil Corporation, Barauni Refinery and their workmen, which was received by the Central Government on the 20-4-89.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of Industrial Disputes Act, 1947.

Reference No. 4 of 1987

PARTIES :

Employers in relation to the management of Indian Oil Corporation, Barauni Refinery.

AND

Their Workmen

APPEARANCES :

For the Employers—Sri H. C. Prasad, Personnel Officer (IR) and Sri Jagdish Prasad, Dy. Manager (IR).

For the Workmen—Sri S. N. Tiwary, Secretary, Petroleum & Chemical Mazdoor Union, Barauni Refinery.

STATE : Bihar.

INDUSTRY : Indian Oil.

Dated, the 27th March, 1989

AWARD

By order No. L-30012/10/85-D.III(B), dated, the 8th July, 1987, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of M/s. Indian Oil Corporation Limited, Barauni Refinery in not correcting the date of joining to 24-6-61 instead of 24-9-64 in their records and accordingly giving seniority to Shri Mahendra Singh, E. No. 3437 is justified and reasonable? If not, to what relief the workman is entitled?”

2. The case of the management of M/s. Indian Oil Corporation, Barauni Refinery, as appearing from the written statement submitted, details apart, is as follows :

The reference is stale and bad in law. The cause of action if any, at all arose, it arose in the year 1964 and the present reference has been made in 1987, i.e. after more than 22 years. The claim of the concerned workman for giving him seniority from 24-6-61 instead of 24-9-64 is a stale claim and reference of such stale claim is against the industrial peace and harmony. If the reference is answered in favour of the workman it will have adverse effect on quite a large number of workmen with regard to their seniority and unsettle the long settled matter which will lead to industrial unrest. Mahendra Singh, the concerned workman, joined Barauni Refinery on 24-9-64 on daily-wage basis as a labourer. He along with other daily rated employees were going to be retrenched on completion of the job against which he was temporarily appointed. However, in terms of an arbitration award dated 13-9-69 he along with others was appointed in the regular scale of pay of the Corporation with effect from 13-9-69. As per the Barauni Refinery Stagnation Removal Scheme, he was placed in the next higher scale with effect from 2-10-79. Later, he was promoted as Yardman with effect from 29-3-82 after taking his seniority and other factors into consideration. From records available with the management, it is conclusively proved that the date of entry of Mahendra Singh in service as daily-rated worker is 24-9-64 and not any other earlier date as claimed by him. In the conciliation proceeding held by Asstt. Labour Commissioner (Central), Patna, the union produced one paper said to be a certificate purportedly issued by one Shri B. Prasad, XEN (T-3) on 2-3-65. But there are discrepancies in the so called certificate. Firstly, the contents of the certificate are cyclostyled which are generally not issued in such form and moreover it does not bear any issue number and date. It also does not bear the rubber stamp of the issuing authority. Secondly, date of appointment is not mentioned in the certificate, simply the year 1961 is mentioned. Above all, it has not been issued by a competent authority and so no reliance can be placed on this piece of paper. No other paper/document was produced during the conciliation proceeding. The union, however, got a statement from one of the colleagues of the concerned workman by persuasion and filed the same before the Conciliation Officer terming it as voluntary statement. No reliance can be placed upon such statement. On the other hand, all the records/documents available with the management conclusively go to prove that the date of joining of the concerned workman in service as daily-rated worker is 24-9-64. In the circumstances the demand of the workman for giving him seniority in service from 24-6-61 is not proper and just. Hence, the management has prayed that the instant reference may be answered in its favour.

3. The case of the concerned workman, as appearing from the written statement submitted by the sponsoring union, briefly stated, is as follows :

† Indian Refineries Limited (Now Indian Oil Corporation Ltd.) had taken over, from Ganga Bridge Authorities, Hat-hidah, on completion on completion of Ganga Bridge, residential accommodation, guest house, clubs, water tanks etc.

in 1959 for construction of Barauni Refinery. Mahendra Singh, the concerned workman, was unemployed and in search of job. He used to visit offices of the Barauni Refinery Project authorities for employment and he used to do manual work voluntarily without any remuneration in order to gain favour, in this way he got appointment as labour on 24-6-1961 on daily wages in the construction set-up of Barauni Refinery Project. After working as a labour for some time, he was allowed to work as Pipe-fitter helper in 1963-64 under the Public Health Engineering Department of the Barauni Refinery Project. In terms of the Ishwari Prasad Award dated 13-9-69 he was absorbed in the permanent set-up of the Barauni Refinery as a labour. As per records of the management the date of joining of the concerned workman was shown as 24-9-64 instead of 24-6-61. In spite of protests to correct the seniority, the management of Barauni Refinery refused to correct the same. Hence the union raised industrial dispute before the A.L.C.(C), Patna. In the course of conciliation proceedings, the ALC(C), Govt. of India, Patna, summoned his colleague, Bhuneshwar Ram, Opr. D. E/No. 61919, Barauni Refinery, who appeared before the A.L.C.(C) and stated verbally and in writing that the concerned workman was working along with him in the year 1961 as a labour. The concerned workman produced before the A.L.C.(C) documentary evidence in the form of a certificate issued by the Executive Engineer (T-3) Barauni Refinery Project in support of his contention that he joined Barauni Refinery Project in the year 1961. In view of the above facts the union has prayed that the date of joining of the concerned workman be corrected to 24-6-61 instead of 24-9-64.

4. In rejoinder to the written statement submitted by the management, the union has stated that the concerned workman joined the service of the management on 24-6-61 in the construction set-up and was absorbed in the regular scale of pay as per Award dated 13-9-69. The management of Indian Oil Corporation Limited had published a provisional seniority list of the entire workmen in the year 1979 and invited objections from the workmen regarding the date of joining the service of the Corporation. The concerned workman filed objection regarding his date of joining which was shown as 24-9-64 and requested the management for correction of his date of joining as 24-6-61. The management has not published final seniority list of the workman including the concerned workman. The cause of action for the present dispute arose when the management published the seniority list and showed the date of joining of service of the concerned workman as 24-9-64. The union has submitted that the contention of the management that if the reference is answered in favour of the workman, it will have adverse effect on quite a large number of workmen with regard to their seniority and unsettle the long settled matter leading to industrial unrest is not correct as the management has not yet published the final seniority list of workmen who joined permanent set-up as per Award dated 13-9-1969.

5. The management has not submitted any rejoinder to the written statement of the sponsoring union.

6. In order to justify its action the management has examined Nawal Kishore Prasad as M.W.1 as its sole witness and laid in evidence a number of documents which have been marked Exts. M-1 to M-6. On the other hand, the sponsoring union has examined two witnesses, namely, the concerned workman as W.W.2 and another workman, Bhuneshwar Ram as W.W.1 and laid in evidence only one item of document, a certificate which has been marked as Ext. W-1.

6. The case of the sponsoring union in para 2 of its written statement is that Indian Refineries Ltd. (Now Indian Oil Corporation Ltd) had taken over, from Ganga Bridge Authorities at Hathidah, on completion of the Ganga Bridge, residential accommodation, guest house, club, water tanks etc. for construction of Barauni Refinery in 1959. Sri S. N. Tiwary, Secretary of the sponsoring union, has stated these facts on verification. It appears that the management has not disputed these facts either in its written statement which was submitted after the written statement of the sponsoring union; the management has not disputed these facts by submitting any rejoinder or any evidence. That being so, that position is clinched that the Indian Refinery (Now Indian Oil Corporation Ltd) took over from Ganga Bridge Authorities residential accommodation, guest house, clubs, water tanks etc. for construction of Barauni Refinery in 1959.

7. The written statement of the sponsoring union further bears out this fact that the concerned workman was looking out for job for himself and for this purpose he used to do odd jobs of manual labour voluntarily in order to gain favour of the authorities concerned. The statement has not been controverted by the management in its written statement.

The concerned workman has stated in his testimony that he has been working at Barauni Refinery since 1959 and that he at the initial stage did not get any wages and worked for the Refinery during this period with a view to get employment afterwards in order to take out his livelihood. He has not been cross-examined on this point. This being so, the conclusion is reached that the concerned workman was working in the Barauni Refinery in 1959 though he was not a direct employee of the Refinery.

8. It has been stated in the written statement of the sponsoring union that the concerned workman got appointment as labour on 24-6-61 on daily wage basis in the construction set-up of Barauni Refinery Project. The management has stated that he joined the Barauni Refinery on 24-9-64 on daily wage basis as labour i.e. as a daily rated workman. This controversy is the crux of the issue in the present reference.

The concerned workman has stated in his testimony that on 24-6-61 he was employed on regular basis in the Refinery on daily rated basis and that Sri B. Prasad, Asstt. Engineer (Civil) gave him appointment and he was deployed for duty at Hathida near Mokama. He has further stated that he did not get any letter of appointment from the management and that Bhuneshwar Ram is one of his co-workers who was working there from before his joining the Refinery. The management has not controverted the testimony of the concerned workman that he did not get any letter of appointment by leading any contra positive evidence or by cross-examining him on this point. MW-1 Nawal Kishore Prasad has stated that at the time of construction of Barauni Refinery many workmen were appointed and huge number of them was employed as daily rated employees and that the concerned workman was employed as a daily rated worker. WW-1 Bhuneshwar Ram has stated that he was appointed as General Mazdoor in the beginning of 1960 and was posted to Hathida in the Civil Engineering Department of the Refinery. He has further stated that he was appointed by Sri B. Prasad, Executive Engineer, Townshp and before that he was working as daily rated worker on casual basis. He has also stated that he knew the concerned workman and had seen him working in 1961 as General Mazdoor in Civil Department of Refinery and Sri B. Prasad and Orran Sahab were superior officers. He has emphatically stated that both of them worked in the same Department and their place of posting was at the same place. In cross-examination the concerned workman has stated that Oman Sahab, a Madrasi, was an officer when he started working for Refinery in 1959 and that he also worked under Sri B. S. Sarma. Thus, the evidence discussed above highlights the fact that at the time of construction of Barauni Refinery many workmen were appointed and huge number of them were employed as daily rated workers and that the concerned workman was employed as daily rated workman. The evidence discussed above further establishes the fact that Sri B. Prasad, Oman Sahab and Sri B. S. Sarma were the superior officers of both the concerned workman and W.W. 1 Bhuneshwar Ram while both of them were posted at Hathida in Civil Department.

9. In support of its case that he joined Barauni Refinery as a worker i.e. General Mazdoor on daily rated basis, the concerned workman has produced a certificate issued by Sri B. Prasad, Executive Engineer, Townshp-3 on 2-3-65 which has been marked Ext. W-1. I re-produce hereinbelow the certificate itself:

"Certified that Shri Mahendra Singh has been working as a daily rated labourer under me since the year 1961.

His works have been found to be satisfactory." This certificate indicates that the concerned workman has been working as daily rated labourer since 1961.

The representative of the management has assailed the certificate by contending that (i) it does not bear any stamp, (ii) it does not bear any issue no. and (iii) the date and

month of employment have not been specified. Nevertheless the management has not disputed the fact that Sri B. Prasad was the Executive Engineer of Township of Barauni Refinery Project. They have not further disputed the fact that the certificate bears the signature of Sri B. Prasad.

10. The certificate given by such higher officer as Executive Engineer can not be brushed aside simply because it does not bear any stamp or issue no. or that it does not spell out the date and month of the employer, specially when it is not disputed that Shri Prasad was the Executive Engineer, Township of Barauni Refinery Project and the certificate bears his signature.

11. The emphatic case of the concerned workman is that he joined Barauni Refinery as a labourer on 24-6-61. He has testified himself with regard to his joining Barauni Refinery as Labourer on 24-6-61. W.W. 1 Bhuneshwar Ram has stated that he had seen the concerned workman working in Civil Department of the Refinery in 1961. This being the position the evidence as laid by the sponsoring union firmly establishes the position that the concerned workman joined Barauni Refinery as labourer on 24-6-61.

12. The management has striven hard to assail the case of the sponsoring union and for the matter of that the concerned workman by producing a sheer of documents and registers which have been marked Exts. M-1 to M-6. Ext. M-1 is minutes of the Increment Committee meeting held on 30-10-67. Herein the date of joining of the concerned workman has been shown to be 24-9-64. Another minutes of the Increment Committee meeting held on 3-2-66 has been produced by the management and this has been marked Ext. M-2. Herein also the date of joining of the concerned workman has been shown to be 24-9-64. Ext. M-3 is a memo with annexure for exchange inter departmentally wherein the date of joining of the concerned workman has been shown to be 24-9-64. But all these documents were prepared by the management for departmental use and neither the sponsoring union nor the concerned workman had had any chance to look into it. Besides, the foundation or basis of preparation of these documents has not been disclosed by the management. Ext. M-4 and Ext. M-5 are registers wherein also the date of joining of service of the concerned workman has been shown to be 24-9-64. But definitely these registers were prepared after 1967. From all consideration it is evident that these documents are not contemporaneous. Besides, the basis of preparation of these documents have not been disclosed by the management. In the circumstances, I do not consider them to be of any meaningful help in determining the issue of joining of service of the Refinery by the concerned workman. The management has produced the letter of the concerned workman dated 16-4-82 for allotment of quarters on seniority basis (Ext. M-6). In this application the concerned workman has stated that he joined Indian Oil Corporation Ltd. during construction set-up of the Barauni Refinery in the year 1959 on daily wages. The representative of the management has contended that this letter demolishes the case of the concerned workman in as much as he claimed to have joined in Refinery in 1959 on daily wages. But this letter must be construed in context of acts of the case of the concerned workman as transpired in evidence and also in written statement. His case is that he joined the Refinery in 1959, but he was appointed as a labourer on 24-6-61 on daily wages basis and regularly. In my view there is no inconsistency in the facts as related in the letter Ext. M-6 and the evidence laid by the concerned workman and his written statement.

13. It transpired from the evidence of the concerned workman and his co-worker W.W.1 Bhuneshwar Ram and the certificate granted by Sri B. Prasad (Ext. W1) that the concerned workman worked under Sri B. Prasad, Oman Sahab and B. S. Sarma Officers of the Refinery. But the management has not examined any of these officers in order to prove its case and demolish the case of the concerned workman.

14. The pleadings and evidence laid by the parties are indicative of the fact that on completion of construction work a large number of daily rated employees were retrenched and a good number of other daily rated employees were going to be retrenched and the union raised a dispute which was

referred to Ishwari Prasad, the then A.L.C.(C), Patna for arbitration and that Ishwari Prasad rendered his award on 13-9-69. It is the admitted case that the concerned workman along with others were appointed in the regular scale of pay of the Corporation with effect from 13-9-69 in terms of the Award rendered by Ishwari Prasad. The management has not filed the Award of Ishwari Prasad, and it been done it might have thrown some light in order to decide the issue of controversy in the present reference.

The union by petition dated 27-11-88 has emphatically stated that the conclusive proof of date of joining of the workman is the wage slip/attendance register/muster roll. By a petition filed on the date of argument (17-3-89) the management has stated that "wages were used to be paid to the daily rated workers as per muster rolls. The instant dispute relates to the period 1959-64. It is neither obligatory nor possible to preserve such old records for such a long period of 25-30 years. The muster rolls relating to the period 1959-64 were destroyed long back as per retention and destruction schedule of old records. As such, those muster rolls are not in the custody of the management."

These statements indicate that it is not obligatory on the part of the management to preserve records of 25-30 years standing and that the records for the period 1959-64 were destroyed as per retention and destruction schedule of old records. But the management has not submitted the relevant rule for preservation of old records nor have they produced their retention and destruction schedule. Even so, the management has not produced the Attendance Register nor have they submitted any explanation for non-production of such records, although the union has demanded production of the same.

15. From my discussion of the facts and circumstances of the case as supported by evidence the inescapable conclusion is reached that the concerned workman joined the service of the Barauni Refinery of Indian Oil Corporation Ltd. on 24-6-61 and not on 24-9-64 and accordingly he should be given seniority in accordance with his joining the service of the Refinery. The representative of the management has contended that the claim of the concerned workman is stale. But it appears that the concerned workman could raise his claim only on publication of provisional seniority list which was done by the management in 1973 and 1979 as transpires from the evidence of M.W.1. It is the definite case of the sponsoring union and the concerned workman that the cause of action for the present dispute arose after publication of the provisional seniority list. It appears that immediately after publication of the provisional seniority list the present dispute was raised by the sponsoring union. The evidence of MW1 Nawal Kishore Prasad indicative of the fact that even now no final seniority list has been published. This being so, the claim is not a stale one and I do not consider that by accepting the date of his joining the Refinery as claimed by the concerned workman the apple cart of the management will be upset in any manner.

16. Accordingly, the following award is rendered—the action of the management of M/s. Indian Oil Corporation Ltd., Barauni Refinery in not correcting the date of joining to 24-6-61 instead of 24-9-64 in their records and accordingly giving seniority to Shri Mahendra Singh, E. No. 3437 is not justified and reasonable. The management is directed to give seniority in service to the concerned workman with effect from the date of his joining the Refinery on 24-6-1961.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer
[No. L-30012|10|85|D II(B)]

नई दिल्ली, 27 अप्रैल, 1989

का. भा. 1138—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार इंटरनेशनल लैबर-पोर्ट एग्रीमेंटी आफ इंडिया, नई दिल्ली के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 21-4-89 को प्राप्त हुआ था।

New Delhi, the 27th April, 1989

ANNEXURE

S.O. 1138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of International Airport Authority of India, New Delhi and their workmen, which was received by the Central Govt. on the 21-4-89.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 193/88

In the matter of dispute between :
Sri Yash Pal Tanwar, c/o. Hawa Singh Chahar,
B-416, Pargati Vihar, Hostel (Near Nehru Stadium),
New Delhi.

VERSUS

The General Manager,
International Airport Authority of India,
I.G.I. Airport, New Delhi.

APPEARANCES :

None.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/6[87-D.II(B)]/D.III(B) dated 27-9-88 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of International Airport Authority of India, New Delhi in terminating the services of Shri Yash Pal Singh Tanwar, Switch Board Attendant w.e.f. 1-6-1981 is justified ? If not, to what relief the workman is entitled ?"

2. The workman has not appeared nor filed any statement of claim and documents as directed in the order of reference itself. Several registered notices were sent by this Tribunal also but the workman has failed to appear. Therefore, it appears that the workman is not interested in pursuing this dispute. Hence no dispute award is given and this reference is disposed of accordingly.

4th April, 1989

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

4th April, 1989

G. S. KALRA, Presiding Officer
[No. L-11012/6[87-D.II(B)]/D.III(B)]

नई दिल्ली, 28 अप्रैल, 1989

का. मा. 1139.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर प्रदेश राज्य खनिज विकास निगम के प्रबंधन से संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-89 को प्राप्त हुआ था।

New Delhi, the 28th April, 1989

S.O. 1139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of U. P. State Mineral Development Corporation and their workmen, which was received by the Central Govt. on 24-4-89.

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, KANPUR

Industrial Dispute No. 40 of 1987

In the matter of dispute between :
Shri Ram Nath C/o. Sh. Damodar Upadhaya,
General Secretary,
Bhartiya Mazdoor Sangh,
Dalla Cement Factory,
Mirzapur. U.P.

AND

The Chairman-cum-Managing Director,
U. P. State Mineral Development Corporation,
Kapoorthala Commercial Complex,
Lucknow, U. P.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-29012/40[85-D.II(B)] dated 12-4-87 has referred the following dispute for adjudication to this Tribunal;

Whether the action of the management of U.P. State Mineral Development Corporation, Lucknow in relation to their Ningha & Bhalua Mines at Billi Obra, Distt. Mirzapur in terminating the services of Shri Ram Nath w.e.f. 20-5-82 is fair, just & legal ? If not, to what relief the workman concerned is entitled ?

2. The workman's case in brief is that he was appointed as Mazdoor on 13-1-81 and his services were terminated illegally w.e.f. 20-5-82, when persons junior to him were retained in service. There was breach of the provisions of Sec. 25F, 25P and 25N of the I.D. Act, 1947.

3. The case has proceeded exparte against the management. The workman has proved his case by means of his affidavit dt. 11-10-88. Hence it is held that the action of the U. P. State Mineral Development Corporation, Lucknow in terminating the services of Shri Ram Nath w.e.f. 20-5-82 is neither legal nor justified.

4. The workman is, therefore, held entitled to reinstatement with continuity of service and full back wages.

5. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-29012/40[85-D.II(B)]]

का. मा. 1140.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर प्रदेश राज्य खनिज विकास निगम के प्रबंधन से संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-89 को प्राप्त हुआ था।

S.O. 1140.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of U. P. State Mineral Development Corporation and their workmen, which was received by the Central Government on the 24-4-89.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, KANPUR

Industrial Dispute No. 56 of 1987

In the matter of dispute between :

Shri Ramdayal Yadav, C/o. Shri Danodhar Upadhyaya,
General Secretary,
Bhartiya Mazdoor Sangh,
Dalla Cement Factory,
Mirzapur, U.P.

AND

The Chairman-cum-Managing Director,
U. P. State Mineral Development Corporation,
Kapoor Thala Commercial Complex,
Aliganj, Lucknow.

AWARD

1. The Central Government, Ministry of Labour vide its notification No. L-29012/43/85-D.III(B) dated 5-6-87 has referred the following dispute for adjudication to this Tribunal;

"Whether the action of the management of U. P. State Mineral Development Corporation Lucknow relating to their Bhalua Mines at Billi-Obra, Distt. Mirzapur, in terminating the services of Shri Ramdayal Yadav, Mazdoor w.e.f. 31-3-83 is legal and justified? If not to what relief the workman is entitled?"

2. The workman's case in brief is that he was appointed as Mazdoor on 1-1-82 and his services were terminated illegally w.e.f. 24-1-83, when persons junior to him were retained in service. There was breach of the provisions of Sec. 25F, 25P and 25N of the I.D. Act, 1947.

3. The case has proceeded ex parte against the management. The workman has proved his case by means of his affidavit dt. 11-10-88. Hence it is held that the action of the U. P. State Mineral Development Corporation Lucknow in terminating the services of Shri Ramdayal Yadav w.e.f. 24-1-83 is neither legal nor justified.

4. The workman is, therefore, held entitled to reinstatement with continuity of service and full back wages.

5. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-29012/43/85-D.III(B)]

V. K. SHARMA, Desk Officer

नई दिल्ली, 25 अप्रैल, 1989

का. आ. 1141.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टील एंड प्लाट, येलेहन्का, बैंगलोर के प्रबंधन से संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बैंगलोर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-89 को प्राप्त हुआ था।

New Delhi, the 25th April, 1989

S.O. 1141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Wheel and Axle Plant, Yelahanka, Bangalore and their workmen, which was received by the Central Govt. on 17-4-89.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Dated 3rd April 1989

Central Reference No. 31/88

I PARTY :

Shri B. N. Vijaya Rao,
No. 88, Wheeler Road,
Cox Town,
Bangalore-560005.

II PARTY :

The General Manager,
Wheel and Axle Plant,
Yelahanka,
Bangalore-560064.

APPEARANCES :

For the I party Shri K. Subba Rao.—Advocate.

For the II party Shri J. Nagaraj.—Advocate.

AWARD

By exercising its powers under Section 10(1)(d) of the I.D. Act, 1947, the Government of India, Ministry of Labour made the present reference on the following point of dispute by Order No. L-41012/133/87-D.II(B) dated 28th July 1988.

POINT OF REFERENCE

"Is the management of Wheel and Axle Plant, Yelahanka, Bangalore, justified in terminating the services of Shri B. N. Vijaya Rao, casual worker w.e.f. 16-9-83 and again on 25-1-84. If not to what relief, the workman is entitled?"

2. The I party workman has filed his claim statement and his contentions, in brief, are as follows :—

He has studied upto S.S.L.C. He was appointed as a casual labourer on 17-8-1981, on a daily wage of Rs. 4.50. His services were continued uninterrupted and unblemished. He was illegally removed from service on 16-9-1983. According to the provisions of Chapter XXV of the Railway Establishment Manual, a person engaged on casual basis, working for four months gains temporary status and gets the scale of Rs. 196-232 plus D. A. and A.D.A. etc. He was entitled to be absorbed in a substantive vacancy as per Rule 25—12 of the Railway Establishment Manual. The wheel and Axle plant is an industry. The workmen are entitled to the benefits of Chapter V-A of the Industrial Disputes Act. The I party workman was working for more than 240 days in the next preceding 12 months. He was entitled to retrenchment compensation. He was worked continuously from 17-8-1981 to 16-9-1983. He was working in a substantive vacancy. The action of the management is arbitrary and capricious. The provisions of Chapter V-A have not been complied with. No reasons are given for his dismissal. The order of termination dated 16-9-1983 alleging that he had remained absent unauthorisedly is not legal. The allegations constitute an act of misconduct, for which the management should have conducted an enquiry. The procedure laid down in parts III and IV of the rules have not been followed. The action of the management is in violation of Article 311 of the Constitution of India. He was appointed by the Chief Mechanical Engineer. The order of termination is passed by the Superintendent (Mechanical) and it is without jurisdiction. The II party ought to have imposed some minor penalty. The penalty is excessive and highly disproportionate. No seniority list was prepared or published before his services were terminated. The management has not followed the principle of last come first go. The order passed by the management is void and illegal. The management has indulged in unfair labour practice. The alleged misconduct was condoned by the II party and he had been reinstated. Thereafter, he worked for a few days and then his services were terminated on 25-1-1984. He prays that an award may be passed for reinstatement and consequential benefits.

3. The II party has filed his counter statement and inter alia, it is contended as follows.

When the plant was under construction as a project, he was engaged on 17-8-81 on daily wages of Rs. 4.50 P. He was taken as per the project requirement after six months of continuous service. The benefit of 1/30th of the relevant scale was given. His performance in 1983 was far from satisfactory. He was not obeying the instructions of his superiors. He used to leave the office without permission. A warning letter dated 24-6-1983 had been issued to him. He did not improve. He was discharged by an order dated 16-9-1983.

All the benefits that were to be given under the Railway Establishment Manual were given to him. It is not admitted that he was entitled to the benefits of a regular employee. The order dated 16-9-83 is good. He had then filed an appeal dated 2-11-83. There is no violation of Article 14 or 16 of the Constitution. The provisions of the disciplinary and Appeal Rules are not applicable. In addition to the appeal dated 2-11-83, he had filed an application dated 29-12-83. However, an opportunity was given to him to work on daily wages afresh. He had worked from 9-1-84 to 25-1-84. After availing rest on 26-1-84, he did not turn up for duty. It was deemed that he had left his services. Then, he submitted an application on 25-6-85 requesting for a job on the ground that he had become jobless. By then, the engagement of casual labourers had ceased, since the construction work had been completed and the plant had been declared as a production unit with effect from 27-5-1985. The principle of first come and last go does not apply. The order dated 16-9-83 had been passed with reasons. It was on account of his insubordination and irregular attendance. The engagement was on account of the requirement of the project work. The office Superintendent was competent to issue this order. It is not correct that he had no authority to issue the same. There is no violation of any provision of law. He is not entitled to any relief. His application is belated. On humanitarian considerations, he was appointed afresh, but he himself abandoned his services. The application is not maintainable. It is barred by time. The other allegations made by him are denied.

4. The II party management then examined one witness and got marked Exs. M-1 to M-6.

5. The I party workman has examined himself and two witnesses and got marked Exs. W-1 to W-2.

6. The parties have been heard. The learned counsel for the I party has, however, filed written arguments also.

7. My finding on the point of dispute is as follows:

Since, it is an admitted fact that Shri B. N. Vijaya Rao, casual worker was working from 9-1-1984, the justification or otherwise of termination of his services with effect from 16-9-1983 does not arise. The II party management has proved that, that after 25-1-1984, he voluntarily abandoned the service.

REASONS

8. In para 14 of the claim statement, the following averments have been made.

"As could be seen from the order of removal from service, it was passed on the basis of alleged misconduct without any enquiry. The order of termination therefore casts serious stigma to the career of the first party workman. However, the alleged misconduct was condoned by the second party management and he was reinstated into his original post. Therefore, it amounts to condonation of misconduct. Therefore, the first party workman was asked to work for a few days and his services were terminated from 25-1-1984. Before doing so, no notice of termination was given to him. Hence, the order of termination is violative of Section 25-F of the act. The order of termination was passed on collateral and extraneous considerations."

9. In para 10 of the counter statement, the II party has stated as follows:

"The Management further submits that the applicant has been terminated for serious misconduct, on first occasion on 17-9-83. Further on being appointed on humanitarian consideration as fresh casual labour lascar from 9-1-84, he himself left service on his own accord and hence his services are abandoned. As such, he is not entitled to get any relief, particularly reinstatement in service or back wages and other consequential benefits."

10. From the aforesaid pleadings, it is manifest that in January 1984, the I party workman was very much in the employment of the II party. WW-1 Vijaya Rao, the workman has stated in para 6 of his evidence that on 16-9-83, he was again taken for service. He states that on 16-9-83 he was again taken for service and that on seeing the muster roll, he states that he was taken on 9-1-84, but he however asserts that he was removed from service on 26-1-1984. On

the basis of the evidence produced by both the parties, it requires to be examined whether the I party management had illegally terminated his service on 26-1-84, as alleged by the I party or whether the workman had himself abandoned with effect from 26-1-84, by not reporting to duty, as contended by the II party. In para 9 of his evidence, WW-1 Vijaya Rao admits that he was taken on daily wages and that however the wages were paid once in a month. He further concedes that the management used to mark "present" in case of those who used to be present and mark those persons as absent who used to be absent. It has been suggested to him that after 9-1-84, he attended for work for about two weeks and then 26-1-84 was the Republic Day and thereafter he did not turn up for work. The workman however states that on 26-1-84 though it was a Republic Day, he was not absent and that S.M.E. Sundaram had told him to go and work at the house of the C.M.E. and that he had worked in the house of the C.M.E. till 29-1-1984. He then states that on 30th, he had gone to the office, but he was marked as absent. It has been suggested with reference to Ex. M-5 whether he had given the same. The workman states that because the C.M.E. had asked him to give it, he had given the same. Then, it has been suggested to him that he had himself abandoned the service and when he approached the management with Ex. M-5 on 25-6-85, the II party had become a production unit and there was no casual work to be given. WW-1 has been however asked in the re-examination as to in what capacity he was working in the house of the C.M.E. He has sworn that he was working as a peon. In his further cross-examination WW-1 states that he has got one chit to show that he was working in the house of the C.M.E. The I party was permitted to examine the witnesses still further and in his further examination-in-chief, WW-1 swears that he was working in the house of Shri Kantheshwar as a domestic servant and he was also working in the office. In para 14 of his evidence, in the cross-examination, he however, concedes that he has no document to show that he was working as a domestic servant in the house of the C.M.E. It is further admitted by him that he did not give any complaint to any officer that he was asked to do domestic work, though he was not expected to do so. The I party workman has not produced the chit, as sworn to by him in para 12 of his evidence to show that he was working in the house of the C.M.E. Neither in para 14 of the claim statement nor in any other part of the claim statement, it has been pleaded that after 25-1-84, he was asked to work in the house of the C.M.E. or that he was then working in the house of Srikanteswara as a domestic servant. There is not even a whisper in the claim statement or in his evidence that after 26-1-84 he had approached the management to give him work or to pay his wages, until he approached the management with the letter Ex. M-5 dt. 25-6-1985. It escapes ones imagination as to why the workman should have kept quiet if the II party management had not paid him his wages, for the work done by him even beyond 25-1-1984. It is not his case in the claim statement that until he gave Ex. M-5 dated 25-6-85, he was working with the II party. On the contrary, the sequence of events as indicated in para 14 of the claim statement make out a case that after his misconduct was condoned and he was taken back in January 1984, he was asked to work for a few days and then his services were terminated on 25-1-84. The statements made by the workman in paragraphs 9 to 14 of his evidence are contradictory to the averments made by him in para 14 of the claim statement. If at all his services have been illegally terminated with effect from 25-1-1984, as alleged in para 14 of the claim statement, I find no substance in his evidence at Para 9 that from 26-1-84 till 29-1-84 he had worked in the house of the C.M.E. and then he had gone to the office on 30th but that he had been marked as absent. The management has produced the relevant muster rolls at Ex. M-6. The muster rolls of 1984 January and February disclose that he was present only till 25th, that 26th was a Republic Day and from 27th he had continuously remained absent and after 8th of February he has been shown as "left". The management has also produced the muster rolls from January 1983 to September 1983. The said record shows that the I party workman has been marked as "present" whenever he was present and as absent whenever he was absent. The muster roll of September, 1983 shows that his services had been terminated with effect from 17-9-83. As has been observed earlier, it is of no consequence whether the termination of his service on 17-9-83 was legal or otherwise, since it is an admitted fact by both the parties that in January 1984, he

had been working and the management had no grievance against him for continuing him in service. Since it is specifically admitted by WW-1 Vijaya Rao, that the management used to mark as present in case of those workmen who used to be present and mark as "absent" in the case of those who used to be absent, it follows that the muster rolls produced of Ex. M-6 series are unassailable. WW-3 B. Alla Baksha, his own witness admits in para 9 that an officer of the II party used to mark their attendance. In para 10, he further states that the said officer used to see the employee and then used to mark him "present". The evidence of WW-2 Ramachandra Rao WW-3 B. Alla Baksha does not shed any light on the question whether the workman has worked beyond 25-1-1984. Their evidence regarding the point that Vijaya Rao was working till 1985 is of no consequence. The management has itself admitted and produced evidence at Ex. M-6 series that he was working until his services were once terminated on 17-9-83. On the crucial point whether the I party workman was ever working beyond 25-1-84, there is no statement made by WW-2 Ramachandra Rao and WW-3 Alla Baksha.

11. The evidence of MW-1 Subbaraya, the witness for the II party management shows that the I party was taken as a casual labourer on 17-8-81 on daily wages of Rs. 4.50 P. and that since his work was not satisfactory, he was discharged on 16-9-83 but however, he had made a request by his letter, Ex. M-2 dated 2-11-83 and had tendered apology by his letter dated 29-12-83, Ex. M-3, and therefore he was taken to duty on 9-1-1984. The documents at Exs. M-1 to M-4 substantiate the evidence of MW-1 Subbaraya. Ex. W-1 is the certificate produced by the I party obtained from the Office Superintendent and it shows that from 17-8-81 to 12-2-82 he was paid at the rate of Rs. 4.50/day and from 13-2-82 to 8-8-83, he was paid at the rate of Rs. 196 plus D.A. plus A.D.A. per month and from 9-8-83 to 16-9-83, he had been paid at the rate of Rs. 4.50 per day. Ex. W-1 is of no consequence on the point whether the I party Vijaya Rao ever worked beyond 25-1-1984. Ex. W-2 is a letter of regular appointment of WW-2 Ramachandra Rao. It shows that on 13-9-85, the offer of appointment for the regular post had been made to him. The I party workman has not made out the case that his services were illegally terminated on 26-1-1985 as alleged by him in para 14 of his claim statement, whereas the II party has proved by the evidence of MW-1 and the documents at Exs. M-1 to M-6 that he voluntarily abandoned the service with effect from 26-1-1984 and that he only turned up, again seeking for a job on 25-6-1985, by which time the II party had become a production unit. The contents of Ex. M-5, which is an admitted document by the I party run contradictory to what has been sworn to by WW-1 in paras 9 to 14 of his evidence and what has been pleaded and contended in para 14 of his claim statement. In Ex. M-5, WW-1 Vijaya Rao states that he was working in mechanical section from 17-8-81 to 16-9-83 and then he was removed from duty. He further states that from the date he was removed from service, he was jobless and he was regretting for the same. He further states that by then it had become very difficult for him to run his family and at that point of time, he was ready to work anywhere, either in the workshop or in the office side or in the canteen and he was prayed the management to help him and consider his case. Since Ex. M-5 is the earliest written representation made by him after 25-1-84, it plays an important role in arriving at a conclusion whether the management had illegally terminated his services on or after 25-1-1984. The letter Ex. M-5 is consistent only with the case put forth by the management that after 25-1-1984 he had voluntarily abandoned his service. All the statements made in Ex. M-5 substantiate the said case of the management. In para 14 of the claim statement, it has been alleged that his services have been terminated with effect from 25-1-1984 for some extraneous considerations and that the II party had indulged in unfair labour practice. No material has been placed before me in order to substantiate the said allegations. There is no pleading in the claim statement that the officers of the II party used to compel him to do domestic work. The statements made by WW-1 the workman or WW-2 Ramachandra Rao or WW-3 B. Alla Baksha in that connection do not find any support from any documentary evidence placed before me. In my view, the said contention betrays of some afterthought.

12. In the written arguments, the repeated contention is that the workman has been retrenched in violation of the

provisions of Chapter V-A of the I.D. Act and that the action is illegal. It requires to be reiterated that a question whether his termination with effect from 16-9-83 has no bearing at all in the determination of the point whether his service has been illegally terminated with effect from 25-1-85. It is not the case of the I party that he was continued in service beyond 25-1-1984 for the reason that his services had been terminated with effect from 17-9-83. The workman himself pleads in para 14 that the alleged misconduct for which his service had been terminated with effect from 17-9-83 had been condoned and he had been reinstated. The fact that he had been reinstated is verily admitted by the II party. Hence, the question whether the termination of his services with effect from 17-9-83 amounted to retrenchment or whether it was illegal or whether he is entitled to any relief on that count do not figure up for consideration. The statement made in the counter statement or the evidence given by MW-1 Subbaraya regarding his misconduct which culminated in his discharge with effect from 17-9-83 are similarly of no consequence, in view of the specific case put forth by the I party workman in para 14 of his claim statement. It is similarly of no consequence whether the II party has failed to produce all the attendance registers from 1981 to 1983, for the reason that the crux of the matter is not whether the termination of his services with effect from 17-9-1983 is not sustainable. In the written arguments in para 3 a reference has been made to various authorities as shown below:

- (1) Chandulal Vs. Pan American World Air Ways reported in 1985 (2) SCC page 727,
- (2) Kamal Kishor Lakshman Vs. Pan American World Air Ways reported in 1981 (1) SCC page 146,
- (3) Makhan Singh Vs. Narayanpur Co-operative Agricultural Society Limited and another reported in 1987 (3) Judgments Today SC Page 87,
- (4) Gammon India Limited Vs. Niranjan Das reported in 1984 (1) SCC page 509,
- (5) Narotam Chopra Vs. Labour Court and others reported in 1988 (3) SCC page 35, and
- (6) Scooter India Limited, Lucknow Vs. Labour Court, Lucknow and others reported in 1988 (4) SCC page 29.

It suffices to observe that since it is not a case of retrenchment involving violation of any provision of Chapter V-A of the I.D. Act, I find that the aforesaid authorities do not help the I party workman.

13. In para 4 of the written arguments, it has been contended that the workman has been victimised and that the II party has indulged in unfair labour practice. It is not the case of the I party workman that he was an office bearer of any union or he had participated in any trade union activity or that even otherwise he had incurred the displeasure of the management or its officers and therefore his services were illegally terminated. Facts indicating grounds of victimisation have not been put forth in the pleading. No evidence has been adduced by the I party to prove either victimisation or unfair labour practice.

14. The case of Gammon India Limited has no bearing since the facts and the evidence placed before me do not show that the services of the workman were illegally terminated by the II party or that he had been retrenched without compliance of the provisions of Chapter V-A of the I. D. Act.

15. The facts of the case of Makhan Singh disclose that there was termination of service on the ground of embezzlement and absence from duty, that there was no domestic enquiry and in that context it has been held that the action of the management was not bonafide. The facts of the reported case would disclose that the workman had not attended to his work from 11-5-81 to 29-5-81 due to his illness and for that reason his services had been terminated. On the other hand, the management pleaded that the workman had gone on strike without obtaining leave and had committed embezzlement. Before the labour court, the management had adduced evidence and the Hon'ble S. C. found that the finding of the labour court that the workman was guilty of embezzlement was passed on scrappy evidence and in the context of a such facts it has been held that the termination

of service was not valid. The facts at hand in the present case would disclose that after 25-1-1984, the workman was not heard of at all until he came to the Chief Mechanical Engineer with Ex. M-5 dt. 25-6-1985. It is a clear case of abandonment of service and not a case of illegal retrenchment of service.

16. In the case of Scooter India Limited, Lucknow, Vs. Labour Court, Lucknow, the facts would disclose that the workman had indulged in distribution or exhibition of offensive hand bills and pamphlets etc., and the management contended that he had indulged in acts subversive of discipline. The Labour Court found that the conduct of the workman was motivated by ideals which were not relevant and that his conduct was rough, bordering to rudeness and with highly, exaggerated sense of his duties. The Labour Court had exercised its powers 6(2A) of the U.P. Industrial Disputes Act Section 6(2A) is not there in the Industrial Disputes Act. Since the facts are entirely different, I am of the view that the principles laid down in the authority have no bearing.

17. The authority of Inder Pal Yadav and Others Vs. Union of India (1985) 2 Supreme Court Cases (Page 648) shows that casual labourers employed in Railway projects and who had been in continuous service for more than a year cannot be subject to termination of their services. The simple question involved in the case at hand, is whether it is a case of discharge or illegal termination of his services or abandonment with effect from 25-1-1984. On facts, it has been held that it is a clear case of abandonment of service. The observations made in the case of Inder Pal Yadav are not attracted, in a case where there is voluntary abandonment of service.

18. It is reiterated that the case of Chandu Lal Vs. Management of M/s. Pan American World Airways Inc. (1985) 2 Supreme Court Cases, Page 727, has no bearing for the reason that there is no case of the II party that his services were terminated for loss of confidence. For the same reason, the case of L. Michael and another Vs. M/s. Johnson Pumps India Ltd. (1975 1 L. L. J. Page 262) is of no assistance to him.

19. Looking from any angle, I am of the view that there is no illegal termination of his services on 25-1-1984 and that the workman is not entitled to any relief.

20. In the result, an award is passed to the effect that the question whether the services of Shri B. N. Vijaya Rao, Casual Worker had been terminated with effect from 16-9-83 does not arise and that the management of Wheel and Axle Plant, Yelathanka, Bangalore has not terminated the services of Shri B. N. Vijaya Rao with effect from 25-1-1984, but that it is a case of voluntary abandonment of his work by the workman himself and that he is not entitled to any relief.

(Dictated to the Stenographer, taken down by her, got typed and corrected by me.

B. N. LALGE, Presiding Officer
[No. L-41012/133/87-D. II(B)]

का.प्र. 1142.—औद्योगिक विवाद अधिनियम, 1947 (1947 क 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वणिज्य रेलवे मद्रास के प्रबंधन से संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-89 को प्राप्त हुआ था।

S.O. 1142.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railways, Madras and their workmen, which was received by the Central Government on the 17-4-1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL-TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Central Reference No. 13/88

I PARTY :

Shri V. Karunakaran No. 91, 5th Cross Mathikere Extension Bangalore-560054.

Vs.

II PARTY :

The General Manager, Southern Railways Park Town, Madras.

APPEARANCES :

For the I party Shri K. Subba Rao, Advocate.

For the II party Shri J. Nagaraj, Advocate.

AWARD

By exercising its powers under Section 10(1)(d) of the Industrial Disputes Act, 1947, the Government of India, Ministry of Labour made the present reference on the following point of dispute by its Order No. L-41012/53/87-D.II (B) dated 6th March, 1988.

POINT OF REFERENCE

"Whether the action of the management of Southern Railway in terminating Shri V. Karunakaran, Khilasi Welder from service with effect from 24-1-1985 is justified? If not, to what relief the concerned workman is entitled and from what date?"

2. The I party workman has filed his claim statement and inter alia, it is stated as follows.

He was appointed as a Welder in a substantive vacancy on 24-10-1981. His services were wrongfully terminated on 24-1-1985. The said order is illegal. Then he raised a dispute before the R.L.C. It failed. He was appointed against a permanent vacancy, but he was treated as a casual labourer, with a view to deny him the benefit of employment for permanent vacancy. The action of the management is mala fide and amounts to unfair labour practice. It is discriminatory. They have not followed the principle of last come first go. As per his Service Card, there was a deliberate break in his service, with a view to deny him the benefit of absorption for a permanent post. As per Rule 25 of the Railway Establishment Manual, if a casual labourer works for 4 months he attains temporary status and is given regular pay scale and other allowances. He will be further entitled to absorption as per Rule 2512. The II party is an industry as per Section 2(j) of the I. D. Act. The II party was bound to follow the provisions of Chapter V-A and Chapter V-B of the I. D. Act. No notice or compensation was given to him prior to the termination of his service. Many persons junior to him were still continued in their service. No seniority list was prepared prior to the termination of his service. The provisions of Sections 25-F and 25-G have not been complied with by them. The termination of his service is violative of Articles 14 and 16 of the Constitution. There are still job opportunities, since the II party is an expending organisation. He has put in 240 days of work in a year. The action of the management is illegal and arbitrary, in view of the case law laid down by the Supreme Court. An award may be passed, directing the management to reinstate him with all consequential benefits.

3. The management has filed its counter statement and inter alia, it is contended as follows.

The I party was engaged as a casual daily rated ELR labour under the Bridge Inspector of Southern Railway on 24-10-1981. His employment was seasonal, intermittent and sporadic, extending for short periods. Such kind of labour is recruited from the nearest available sources. The conditions applicable to the permanent or temporary employees

do not apply to them. The intake of fresh casual labourer is also subject to prior approval of the General Manager, even in the case of Ex-ELR casual labourers. On completion of the minimum required service, for granting him monthly rate of pay, the I party was sent for medical examination. He appeared for the medical examination on 15-4-82, but he did not complete the said examination. The Medical Superintendent, Southern Railway reported about it as per Annexure-A. From April 1982 to September 1982, he had absented on several occasions. After a lapse of two years and three months, he was engaged as ELR Khalasi by PW-1 Bangalore with effect from 28-12-1984. He again stopped away from work on his own with effect from 8-4-1985. The I party has neither dismissed nor retrenched him from service. He has ceased to be in service, since he has absented himself. In the case of casual labourer, if he remain absent for 3 days unauthorisedly, it is deemed that he has left the service. After receiving the casual labour card, he left the services on his own accord. He is not entitled to any relief. Though he has voluntarily left the service, he is blaming the I party with a view to claim illegal benefits. Questions of issue of one month's notice and payment of compensation do not arise. The other allegations that the termination is illegal or that it is discriminative or that it is in violation of Articles 14 and 16 of the Constitution are not correct. The decisions shown in the claim statement are not applicable. The General Manager is not a legal entity. The reference may be rejected.

4. The management has then examined four witnesses and has got marked Exs. M-1 to M-8.

5. The I party workman has got examined himself and two witnesses. Ex. W-1 has been got marked.

6. The parties have been heard. In addition, the I party, counsel has filed the written arguments.

7. My finding on the point reference is that it is not a case of the management of Southern Railway terminating the service of Shri V. Karunakaran, Khalasi Welder with effect from 24-1-1985, but it is case of the workman himself abandoning service. He is not entitled to any relief.

REASONS

8. MW-1 Panneer Selvam has stated that the I party workman was taken as a daily rated casual worker on 24-10-81 for a seasonal kind of work. In para 2 of the claim statement, it is admitted by the I party workman that he had been taken on 24-10-81. Para 2 of the evidence of MW-1 shows that from 24-10-81 to 19-9-82, he was working with the Bridge Inspector and Ex. M-1 series are the attendance sheets showing his attendance. The particulars of attendance at Ex. M-1 series regarding the I party workman are as follows.

Sl. No.	Exhibit Number	Month	No. of days attended
1	M-1(a)	Oct./Nov. 1981 (from 20-10-81 to 19-11-81)	23
2	M-1 (b)	Nov./Dec. 1981	26
3	M-1 (c)	Dec. 1981 to Jan. 1982	26
4	M-1(d)	Jan '82 to Feb. 1982	27
5	M-1 (e)	Feb. '82 to March '82	24
6	M-1(f)	March '82 to April 1982	25
7	M-1(g)	April '82 to May 1982	23
8	M-1(h)	May '82 to June 1982	27
9	M-1(i)	June '82 to July 1982	25
10	M-1(j)	July '82 to Aug. 1982	27
11	M-1(k)	Aug. '82 to Sept. 1982	26

The evidence of MW-1 then discloses in para 4 that after he completed four months work, with a view to give him temporary status, he was sent to medical examination but he was not found fit and in that connection the Medical Superintendent had issued a letter dated 11-12-87. The evidence of MW-1 further discloses that after 19-9-82, the workman did not turn up at all. The evidence of MW-1 has gone unchallenged that after 19-9-82 he did not turn up at all. The evidence of MW-2 S. V. Dhulappanavar who was working as the Bridge Inspector, Bangalore from 1979 to 1984 shows that he had recruited the I party workman on 24-1-81 for daily wages and the work for which he was taken was for the construction of a covering for trans-shipment shed to Byappanahalli and it was of the duration of three or four months. MW-2 has further stated that as per the rules, he had sent the workman for medical examination on 6-4-82 and that on 16-4-82 the workman approached him and told him that he wanted sometime to recoup his health and get cured of the defects as pointed out by the D.M.O. MW-2 however states that he was continued on that plea till 19-9-82 and thereafter the workman did not turn up either with any medical certificate or otherwise. In para 6 of his evidence MW-2 Dhulappanavar admits that he had issued the casual labour card Ex. W-1. Ex. W-1 shows the following particulars.

Sl. No.	Period	Number of Days Attended
1.	20-10-81 to 19-11-81	23
2.	20-11-81 to 19-12-81	26
3.	20-12-81 to 19-1-82	26
4.	20-1-82 to 19-2-82	27
5.	20-2-82 to 19-3-82	24
6.	20-3-82 to 19-4-82	25
7.	20-4-82 to 19-5-82	23
8.	20-5-82 to 19-6-82	27
9.	20-6-82 to 19-7-82	25
10.	20-7-82 to 19-8-82	27
11.	20-8-82 to 19-9-82	26
	* * *	
1.	28-12-84 to 20-1-85	23
2.	21-1-85 to 20-2-85	31
3.	21-2-85 to 20-3-85	28
4.	4-4-85 to 7-4-85	4

The casual labour service card Ex. W-1 obtained by the I party workman at an undisputed point of time substantiates the evidence of MW-2 Dhulappanavar, as regards the fact that after 19-9-82, he never turned up for work to the office of MW-2 Dhulappanavar.

9. The evidence of MW-3 Dr. H. C. Parameswar, the Divisional Medical Officer shows that the I party workman had appeared on 15-4-82 and underwent a part of his medical examination. He has then testified to the certificate No. 082131 dated 15-4-82. The witness had brought the original documents of Exs. M-2 to M-5 and after keeping the xerox copies of the same, the said documents have been returned, since a submission was made that they are documents required for day to day use. The evidence of MW-3 further discloses that on that day his vision was found to be defective and he did not come to the required standard. It is further to be seen from Ex. M-2 that the colour vision test had not been completed. As per the slip written by the D.M.O. Ex. M-2 (a) it is to be found that the D.M.O. had given him a chance to appear again for further examination. Ex. M-3 shows that the workman had paid a fee

of Rs. 8 on 6-4-82 as required by the rules. Ex. M-4 is the receipt of the Lady Willingdon State T.B. Centre showing that he had paid the required fee at the said Hospital also on 6-4-82. The certificate at Ex. M-5 discloses that he had been subjected to radiological clinical tests and that M. R. Chest was normal. Ex. M-6 is the letter addressed to the Divisional Personnel Officers by the Medical Superintendent and it shows that the I party workman had appeared for medical examination on 15-4-82, but he did not get the medical examination completed. In para 6 of his evidence MW-3 Dr. Parameswar has sworn that colour vision defect is a total disqualification for a Khalasi. It was urged before me for the I party that the I party workman was not given an opportunity to file an appeal against the findings of the Divisional Medical Officer, since he was not informed about the said findings. The evidence of MW-1, MW-2 and MW-3 has been relied upon to establish the fact that after 19-9-1982 the workman did not turn up or work and never worked with the Bridge Inspector, Bangalore, viz. MW-2 Dhulappanavar.

10. On the other hand, the I party workman WW1 Karunakaran has stated that from 1981 to 1985 he was working continuously. Except Ex. W-1 he has not relied upon any other document. In the cross-examination he concedes in para 15 that whenever he had attended for work, the II party had entered about it in the muster rolls. He further admits that his service particulars are recorded in the service card. In para 16, he further concedes he has not worked under any other officer except MW-2 S. V. Dhulappanavar, the Bridge Inspector. In para 17, he further admits that on 16-4-82, he had appeared for the medical examination and that the doctor had told him that he should again appear for further medical test after one week. It is very much conceded by him that he did not appear before the doctor on that day. He however explains that he was not well. It appears in the evidence of WW-1 Karunakaran that the Medical Officer had made entries in the book. However, he denies that the doctor had informed him that he had colour blindness. In para 18, he explains that the Engineer had told him not to go to doctor again. No such suggestion has been made to MW-2 Dhulappanavar the concerned engineer. However, there is a specific admissible in Para 22 that he did not take any medical fitness certificate from the Divisional Medical Officer of the Railways. From the foregoing admissions, it emerges that though he had been referred to the D.M.O. and he had appeared on 16-4-82 he did not produce any medical fitness certificate before MW-2 Dhulappanavar. In spite of his denial in para 23 that he did not turn up for work after 19-9-82, it is an admitted fact by him that he approached the permanent way Inspector, Ramanathan in 1984 and the letter engaged him on 28-12-84. It has been further admitted by him that under Ramanathan he worked for one month and then there was a break and after that he again worked for three or four months. It is verily conceded by him these service particulars have been recorded in his service card. WW-1 Karunakaran had been shown Ex. M-8, his letter dated 12-2-86. He admits that he had given it and that Ex. M-8 (a) is his signature. The endorsement at Ex. M-8 (b) made by MW-4 Ramanathan indicate that at the request of the workman he had issued the service card. The evidence of MW-4 Ramanathan that on 28-12-84 he had taken the I party Karunakaran as a casual labourer on daily wages is consistent with the evidence of MW1, MW-2 and MW-3 that after 19-9-82, he did not work with the MW-2 Dhulappanavar, the Chief Bridge Inspector at Bangalore and that only on 28-12-84, he however approached the permanent way inspector of Bangarpet. The letter issued by MW-4 Ramanathan at Ex. M-7 is consistent with the service card Ex. W-1. As observed earlier, the workman had received Ex. W-1 when there was no dispute between the parties. It is not the case of the I party workman that he found anything wrong in the entries of Ex. W-1 the service card or that he made any representation to the higher authorities of the railways or that till today he has taken any action contending that the service particulars shown in Ex. W-1 are not correct. MW-4 Ramanathan was working as the permanent way inspector at Bangarpet from 1974 to 1987. The said fact has gone unchallenged. He has categorically sworn that on 7-4-85 the I party workman stopped attending for work on his own accord and thereafter he never turned up. His evidence further discloses that one Mr. Ratnam has issued the service card to the I party workman and Ratnam was his successor.

As against the evidence of the management that he had abandoned his service on 19-9-1982 from the work spot of MW-2 Dhulappanavar, the Chief Bridge Inspector and that he had worked only for 86 days from 28-12-84 to 7-4-85 at Bangarpet with the MW-4 Ramanathan the permanent way inspector and that after 7-4-85 he again abandoned his service, the I party workman has got examined himself and two witnesses. The evidence of WW-1 has been already analysed and examined to find out as to how it is consistent only with the case of the management that he had once abandoned his service at Bangalore on 19-9-82 and again though employed at Bangarpet on 28-12-84 he abandoned that also on 7-4-85. In re-examination in Para 26, WW-1 swears that he had worked continuously as shown in Ex. W-1. It appears that WW-1 Karunakaran had himself forgotten about the entries made in Ex. W-1. Ex. W-1 itself shows that under the Bridge Inspector, Southern Railway, Bangalore city, he has worked only for the period between 24-10-81 and 19-9-82 and never thereafter. It then shows that at Bangarpet, under the Permanent way Inspector, he has worked only between the period 28-12-84 and 20-4-85 and never thereafter. Thus, there is an implied admission by WW-1 that he has not worked during the intervening period 19-9-82 and 28-12-84 either at Bangalore or at Bangarpet.

11. WW-2 Manikyam has stated that Karunakaran has worked along with him at Bangalore in the years 1982 to 1985. It is conceded by him in para 9 that the I party workman was working in the office of the Bridge Inspector from 1981 and in Para 10, he admits that Shri S. V. Dhulappanavar was the concerned officer. Admittedly WW-2 has no record to show that he has worked under Shri S. V. Dhulappanavar from 1981 to 1985. In para 11 WW-2 Shri Manikyam swears that even in 85 the I party was working under MW-2 Shri S. V. Dhulappanavar at Bangalore. He has reiterated that till 1985 Shri V. Karunakaran was working at Bridge Inspector's office at Bangalore. It is not the case of the I party Karunakaran himself that in 1985 he was working under the Bridge Inspector, Bangalore. The evidence of WW-2 Manikyam runs contradictory to that of WW-1 Shri V. Karunakaran, and it is further contradictory to the service card Ex. W-1. He can hardly be believed.

12. WW-3 Shri Manoharan has sworn that in 1981, he joined the mechanical section and even in 1985 Shri V. Karunakaran was working there. Since it is not the case of the I party workman Karunakaran himself that he was working in Bangalore in 1985 also, the evidence of WW-3 Manoharan can hardly inspire any confidence. The crux of the matter is not whether Shri V. Karunakaran had put in 240 days of service in any year preceding to 24-1-1985 but it is whether the management has terminated his services illegally with effect from 24-1-85, as alleged by the I party workman or whether it is a case of voluntary abandonment with effect from 24-1-85, as put forth by the management. The learned counsel for the I party has strongly contended that the II party has not produced the documents called for, in spite the order passed by this court and thus an adverse inference arises against the II party and that thereby it may be held that Shri V. Karunakaran was in continuous service right up from 24-10-1981 till 24-1-1985. By J.A. No. III dated 24-10-88, the I party has sought for production of three documents, such as muster rolls, acquittance registers and attendance registers from 24-8-81 to 20-4-1985, fitness certificate dated 20-4-83 and letter dt. 29-12-84 issued by Ramanathan. After receiving the objections and hearing the parties, a considered order has been passed on I.A. No. II on 13-12-88 and it was partly allowed to the extent that the II party should produce the documents pertaining to the attendance of the II party for the period from December 1984 to April 1985. After taking several adjournments, the learned counsel for the II party submitted that the said records were not traceable. Now, accepting the submission made for the I party and drawing an adverse inference against the II party management, it can safely be held that the I party workman was in service from December 1984 to April 1985. As observed earlier, it is not the case of the I party Karunakaran that he had worked in Bangalore from 28-12-84 to 20-4-85, but it is his case that he had worked between that period at Bangarpet. In addition to his oral testimony, he has placed reliance on Ex. W-1 also in that connection. The evidence of MW-4 Ramanathan also shows that from 28-12-84 till 20-4-84, he was working in Bangarpet. Though, it has been

suggested to MW-4 Ramanathan that Karunakaran had been transferred to Bangarpet on 20-12-1984, there is no such case pleaded in the claim statement and no whisper in the statement of WW-1 Shri V. Karunakaran that he had been transferred from Bangalore to Bangarpet on 20-12-1984. Thus, in spite of any adverse inference that could be drawn against the II party, it would be of no consequence for the I party workman to establish the fact that the II party had terminated his services on 20-4-85 at Bangarpet.

13. In the written arguments, it has been repeatedly contended that the services of the I party workman have terminated illegally on 20-4-85.

14. There is no dispute on the point that MW-4 Ramanathan was the Permanent way Inspector of Bangarpet under whom WW-1 Shri V. Karunakaran was last working. It has been suggested to him at Para 8 that the services of WW-1 Shri V. Karunakaran were terminated on 20-4-85. The witness has denied the suggestions. The order of reference indicates that copy of the same was marked to A.L.C. (Central I) Bangalore with reference to his file No. 8(4)/87-B3. It indicates that the I party workman had raised the dispute before the Assistant Labour Commissioner, Bangalore in 1987. From the evidence of WW-1 Shri V. Karunakaran in para 25 and his letter Ex. M-8 dt. 12-2-86. It is evident that he had obtained the service card Ex. W-1 on 12-2-86. Ex. M-7 is a letter dt. 15-12-87 addressed by permanent way Inspector and it shows that he had worked only up till 7-4-85 and that thereafter stopped going for work on his own. In para 24 of his evidence WW-1 concedes that he had worked at that place from 28-12-84 to 7-4-85 and that there is a record in that connection. Ex. M-7 is the said record. It is not the case of the I party workman that the entries made in Ex. M-7 or in Ex. W-1 are not correct. It is also not his case that when he obtained Ex. W-1 on 12-2-86 as is evident from Ex. M-8, he made any complaint to any officer of the II party or to the labour authorities that though the II party had terminated his services illegally on 20-4-85, it had not issued any order of termination or that he had insisted upon an order of termination but the officers of the II party did not issue the same with any ulterior motive. The immediate conduct of WW-1 Shri V. Karunakaran in keeping calm and quiet from 21-4-85 till the date he raised the dispute in 1987 is consistent only with the fact that he had himself abandoned the service with effect from 20-4-85, whereas it is not consistent with the allegation that the management illegally terminated his services on 20-4-85. Nothing prevented the workman from producing the office copy of the petition made on him to the Assistant Labour Commissioner, raising the dispute or from calling for the conciliation records from the Assistant Labour Commissioner. One cannot forget the fact that even till today the workman has neither pleaded nor tried to place before this court any piece of evidence to show that the contention of the II party that he is colour blind is not true. All the aforesaid evidence 18 looked in the light of the circumstances analysed above would lead to a invulnerable conclusion that he had himself abandoned the service on 20-4-85. It has been contended in the written arguments that his name had been struck off from the rolls and it amounted to termination of service. There is no such plea nor any evidence.

15. In para 1 of the written arguments, it has been contended that the II party has committed unfair labour practice by engaging him on ad hoc basis and terminating his services arbitrarily. The evidence on record does not show that the II party indulged in any unfair labour practice in compulsorily causing any break in his service. The service card Ex. W-1 itself belies the said contention. There is no termination of his service, either legal or otherwise.

16. In para 2 of the written arguments, it has been contended that the termination of his service amounts to retrenchment and for not complying with provisions of Section 25-F. It is illegal. On facts, it has been held that it is not a case of termination of service of retrenchment. The contention is not sustainable.

17. In para 3 of the written arguments, a reference has been made to the case of H. D. Singh Vs. Reserve Bank of

India (1986 S.C. Page 132). It has been stated that if the action of the management, striking the name of the workman from the rolls amounts to retrenchment and if the provisions of Section 25-F are not complied with, it amounts to illegal termination. It has been analysed and discussed to how it is not a case of termination of service or striking the name of the workman from the rolls, but it is a case of abandonment of service by the workman himself. Then, reference has been made to the evidence of MW-3 Dr. H. C. Parameswar and it has been contended that the report of the Medical Officer has not been communicated to him and termination on that ground is illegal. Reference has been made to the case of Application No. 1994/1986 before the Central Administrative Tribunal. A zerox copy of the said order in produced. The facts of the said case would show that the applicant had been issued with an officer of appointment dated 30-11-83 and he had appeared for the medical examination but that he was orally told that he had failed in the medical test. In para 6 of the order, it has been stated that no official communication had been sent to the applicant about the medical disqualification and in the light of the said finding of fact, it has been ordered that he should be given a fresh opportunity. The specific case of the II party is that with effect from 20-4-85, the I party workman had abandoned his services. It is not the case of the II party that he was not continued in service because he was found to be legally unfit. The evidence produced by the workman himself shows that even though he had not completed the medical test, he had been continued in service even at Bangalore itself, until he himself abandoned on 19-9-1982. The said contention is therefore not available.

18. In the written arguments in para 5 there are statement regarding his medical examination. The fact that he had not subjected himself to the medical test completely has been brought on record, in order to show the cause as to why for the workman Shri V. Karunakaran abandoned the service himself. For the very same reason shown above, I find that the contention of para 5 of the written arguments are not sustainable.

19. In para 6 of the written arguments, it has been contended that the management has not followed the last come first go principle and that there is violation of Section 25-G of the I.D. Act. Reference has been made to the authorities, such as Narotam Chopra Vs. Presiding Officer, Labour Court (1988 (3) S.C. page 35) and Chandu Lal Vs. Management of M/s. Pan American World Airways Inc. (1985) 2 Supreme Court Cases, page 727. In the first case, there was a finding of fact that the management had not complied with the Section 25-F of the I. D. Act in as much as the service of the workman had been terminated without notice or payment of compensation. In the case of Chandu Lal, his service had been terminated for loss of confidence, whereas under the provisions of the settlement, the management ought to have held a domestic enquiry. Under such circumstances, it has been held that the action of the management was in violation of Section 25-F and illegal. In the case at hand, a finding has been recorded that the workman had himself abandoned the service and the management did not terminate his service. The authorities do not help him.

20. In para 7 of the written arguments, it has been stated that the evidence of WW-2 and WW-3 proves that the workman has been in continuous service till the date of his termination and thus it is a case of retrenchment. The facts have been already analysed and discussed and it is shown as to how no question of violation of Section 25-F is involved and as to how it is only a case of voluntary abandonment.

21. In para 8 of the written arguments, it has been repeated that his service has been retrenched and reference has been made to the case of Jivi Chaku Vs. Union of India and Ors. decided by the Central Administrative Tribunal (1987 (2) Vol. III A.T.R.), I cannot but reiterate that since there is no case of termination of service, the provisions of Section 25-G are not attracted. The case cited is not pertinent.

22. In para 9 of the written arguments, reference has been made to the case of Inder Pal Yadav and Others Vs.

Union of India and others (1985) 2 Supreme Court Cases page 648). The facts of the reported case would show that there was termination of services of the workman on the ground of winding up of the projects. Since the workman had put in 240 days of service, it has been held that absorption should be in the order of length of continuous service. The evidence produced by the II party has proved that from 20-4-85, he has abandoned the service, whereas the workman has not proved that the II party had terminated his services with effect from 20-4-85. The principle laid down in the authority applied only to a case where the railway administration has terminated the service of a workman. Since the facts differ, the authority is of no assistance to the workman.

23. In Para 10 of the written arguments, it has been contended that the management has indulged in unfair labour practice. On going through the record, I find that there is no force in the said contention.

24. The I party has placed reliance on the case of Gammon India Limited Vs. Niranjan Dass (1984) 1 Supreme Court Cases (Page 509). The authority has laid down a principle that if the termination of service is on the ground of reduction in the volume of business, it amounts to retrenchment and the provisions of Section 25-F of the I. D. Act shall have to be complied with. The case of the I party workman Shri V. Karunakaran is not a case involving the question of termination of service. The authority has no bearing.

25. The learned counsel for the I party contended that the II party had not prepared nor published any seniority list and that even subsequently the management has not absorbed the I party workman, though his juniors have been absorbed and that all these actions of the management show that the I party is entitled to reinstatement with all the consequential benefits. The submission proceeds on the premise that the management has terminated his services and that too illegally with effect from 20-4-85. The said contention has been disproved by the II party. The II party has succeeded in proving that he had himself abandoned the service. The contention is not sustainable.

26. Looking from any angle, I find that the I party workman is not entitled to any relief.

27. I the result, an award is passed to the effect that it is not a case of the management of Southern Railway terminating the service of Shri V. Karunakaran, Khalasi Welder, with effect from 24-1-1985 or with effect from 20-4-1985, as disclosed in the evidence, but it is a case of the said workman himself abandoning his service with effect from 20-4-1985 and that he is not entitled to any relief.

(Dictated to the Stenographer, taken down by her, got typed and corrected by me.)

B. N. LALGE, Presiding Officer

[No. L-41012/53/87-D.II (B)]

का. प्र. 1143.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुप्रिटेण्ट ऑफ पीसट आफिस, मैनपुरी, के प्रबंधन से संबंधित निम्नलिखितों और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-89 प्राप्त हुआ था।

S.O. 1143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Supdt. of Post Offices, Mainpuri and their workmen, which was received by the Central Government on the 17-4-1989.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT, KANPUR

I.D. No. 2 of 1989

In the matter of dispute between

Shri Chandra Prakash Saxena,
Village & Post Office Sarai,
Mulidhar District Mainpuri.

AND

The Suptd. Post Offices,
Mainpuri Division,
Mainpuri-205001.

AWARD

1. The Central Govt. Ministry of Labour, vide its notification No. L-40012/55/87-D.II(B) dated 27-12-88 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of post office Sarai Mulidhar District Mainpuri in terminating the services of Sh. Chandra Prakash Saxena DD & Postman with effect from 3-2-87 is justified? If not, to what relief the workman concerned is entitled to ?

2. In the present case notice was issued to the workman at the address noted in the reference order to file statement of claim by 23-2-89, on 9-2-89 by registered post. On 23-2-89 the workman moved application for time to file statement of claim and the case was adjourned in his presence and the workman noted the date as 4-4-89. Today despite notice neither the workman appeared before the Tribunal nor filed his claim statement.

3. Thus in the circumstances of the case, it appears that the workman is not interested in prosecuting the case. As such a no claim award is given in the case against the workman.

4. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-40012/55/87-D.II(B)]

नई दिल्ली, 28 अप्रैल, 1989

का. प्र. 1144.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हैंडिक्राफ्ट्स मार्केटिंग और सर्विस एक्सटेंशन सेंटर, नागपुर के प्रबंधन से संबंधित निम्नलिखितों और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-89 प्राप्त हुआ था।

New Delhi, the 28th April. 1989

S.O. 1144.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. I, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Handicrafts Marketing & Service Extension Centre, Nagpur and their workmen, which was received by the Central Government on the 19-4-1989.

ANNEXURE,

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. I AT BOMBAY

REFERENCE NO. CGIT-4 OF 1987

PARTIES :

Employers in relation to the management of Handicrafts
Marketing & Service Extension Centre, Nagpur.

AND

their workmen.

APPEARANCES :

For the Management—Mr. Ramesh Darda, Advocate.

For the Workmen—Workman present in person.

INDUSTRY : Handicrafts.

STATE : Maharashtra.

Bombay, the 28th March, 1989.

AWARD

The Central Government in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Handicrafts Marketing and Service Extension Centre Nagpur in terminating the services of Shri Avinash v. Thulkar Daily wages helper w.e.f. 31-8-1984 is justified ? If not, to what relief the workman is entitled ?"

2. The workman Shri Avinash v. Thulkar was employed as Helper on daily wage basis in the Marketing and Service Extension Centre, Nagpur with effect from 16-4-1983. His services were terminated with effect from 31-8-1984, on the ground that the workman was a casual worker employed on daily wages for specified work and there was no work for which he could be employed after 31-8-1984 and there was no post in which he could be absorbed.

3. The workman did not file any statement of claim. In the written statement filed by the Director (Regional), Western Region, Office of the Development Commissioner (Handicrafts) on behalf of the first party the main contention raised is that the Marketing and Service Extension Centre at Nagpur is part of the Office of Development Commissioner (Handicrafts), Bombay, which is an attached Office under Ministry of Textiles, Government of India having five Regional Offices including the one at Bombay, and hence is not an industry within the meaning of section 2(j) of the Industrial Disputes Act as all its multifarious activities are functions of the State. It was also contended that there was no work which could be given to the workman after 31-8-1984 and there was no post in which he could be absorbed.

4. In the written statement, the Director gave the following broad classification of the multifarious activities of the Marketing and Service Extension Centre :—

1. Survey, Identification of Handicrafts within area of jurisdiction—compiling area directory inter-alia listing out capable manufacturers. Collection and compilation of statistical information pertaining to Handicrafts Industry.
2. On the basis of the survey, rendering extension service to needy artisans such as raw material assistance, credit, design assistance etc.
3. Attending to trade enquiries on Handicrafts.

4. Providing marketing outlets to Handicrafts artisans by organising Handicrafts exhibitions through out the country as per the Annual Programme of work being assigned to them by the Headquarters Office of the Development Commissioner (Handicrafts).

5. Arranging demonstration of advanced tools and equipment, packaging methods to improve efficiency of production.

6. Arranging and supervising training programmes for handicrafts artisans.

7. Arranging for analytical study of craft with a view to sorting out the problems confronted by handicrafts artisans such as Technical Seminar, Marketing Clinic etc.

8. Promoting Co-op. movement among handicrafts artisans.

9. Other ad-hoc assignments which are assigned by the Headquarter's Office and Regional Offices of the O/O the Development Commissioner (Handicrafts)."

These activities cannot be considered as sovereign functions of the State and hence in view of the decision in the Bangalore Water Supply and Sewerage Board case (1978 Lab. t.c. 467) the contention that the employer in this case is not an Industry must be rejected.

5. It is an admitted position that the workman's services were terminated without any notice and even without written order to that effect. No retrenchment compensation was also paid to him when his services were terminated. In his Affidavit, Shri S. Z. Hussain, The Assistant Director, Handicrafts Marketing and Service Extension Centre, Nagpur has specifically stated that Shri Avinash Vishwanath Thulkar was employed as helper on daily wage basis in Marketing and Service Extension Centre, Nagpur with effect from 16-4-1983 for work of casual nature and that Shri Avinash Vishwanath Thulkar worked for 130 days during the period from 16-4-1983 to 31-8-1983 and for 303 days from 1-9-1983 to 30-7-1984. According to him, the work was neither continuous nor regular. He also stated that the workman could not be considered for regular employment because he did not fulfill the minimum qualifying service required for regular appointment of daily wages against group 'D' posts, which was two years service with atleast 240 days attendance in each year. It may be that the workman was not qualified to be absorbed in permanent post as per the guide-lines issued by the Government of India in this behalf. It may also be that after 31-8-1984, there was no work which could be given to the workman and hence there was justification for terminating his services. But from the facts stated by Shri Hussain in his affidavit it is clear that the workman had worked for 240 days during the period of 12 calendar months prior to 31-8-1984, the date on which his services were terminated. It may be that the service was not continuous but service for 240 days in a period of 12 calendar months is not only service for a year but is deemed to be continuous service, even if interrupted. The workman, therefore, must be deemed to be in continuous service for a period of one year and hence before terminating his service it was obligatory on the management to give him one month's notice in writing indicating the reasons for retrenchment or to pay him wages in lieu of such notice alongwith retrenchment compensation as per clause (b) of section 25-F of the Industrial Disputes Act. Admittedly, this was not done. The workman's retrenchment and therefore his termination, was void ab-initio and the workman must be declared to be in service of the first party. In the result therefore the first party Handicrafts Marketing and Service Extension Centre, Nagpur is directed to re-instate Shri Avinash Vishwanath Thulkar in service forth with and to pay him full back wages from 1-9-1984 till he is actually re-instated. Award accordingly.

का. भा. 1145.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में केन्द्रीय सरकार प्रसिस्टेन्ट सुपरिटेन्ड माफ पास्ट आफिस, माहुसिल डिबिजन, नागपुर के प्रबंधक से सबब नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1 बम्बई के पंचपट का प्रकाशित करता है, जो केन्द्रीय सरकार को 24-4-89 को प्राप्त हुआ था।

S.O. 1145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Govt. hereby publishes the award of the Central Government Industrial Tribunal No. I, Bombay in respect of a complaint u/s A of the said Act filed by Shri Manjur Hussain against the management of Asstt. Supdt. of Post Offices Moffussil Dn., Nagpur-12 which was received by the Central Government on the 24-4-89.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT BOMBAY

Complaint No. CGIT-4 of 1988

(Arising out of Ref. No. CGIT-39 of 1989)

PARTIES :

Shri Manjur Hussain : Complainant

V/s.

1. Shri T. M. Sorte,
The Assistant Supdt. Post
Offices, West-Division
Moussil Dn., Nagpur-440012.
2. Shri L. G. Sherke,
The Sr. Supdt., Post Offices,
Moussil Dn.,
Nagpur-4400012.

Opposits Parties

APPEARANCES :

For the Workman : Shri A. S. Bhugat, Advocate.

For the Management : Shri Ramesh Dada, Advocate.

INDUSTRY : Post and Telegraph

STATE MAHARASHTRA : Bombay, dated 29th day of March, 1989.

AWARD

The complainant Shri Manjur Hussain has filed this complaint under section 33-A read with section 33(1) of the Industrial Disputes Act, 1947, being aggrieved by the termination of his service as part-time workman in the Kanitee City Post Office during the pendency of Reference No. CGIT-39 of 1988.

2. The complaint Shri Manjur Hussain was working as Extra Department Delivery Agent in Kamptee City Post Office on monthly wage of Rs. 240/- since 1-3-1985 He took charge of the said post from Shri Niyaz Ahmed as mentioned in the charge report. His services were terminated without any written order and without any notice on 9-2-1987. The complaint therefore raised an industrial dispute which was referred by the Central Government to this Tribunal for adjudication by an order dated 29-7-1988

3. After his services as E.D.D.A were terminated on 9-2-1987, the workman was appointed as a part time waterman in the Kamptee Post Office from 10-2-1987. However, after the aforesaid reference was made by the Government in respect of his earlier termination the Assistant Superintendent of Post Office West Sub Division, Nagpur, chose to terminate the part time service of the complainant as waterman in the Kamptee Post Office with effect from 18-8-1988.

4. It is the case of the workman that as his part-time service was terminated during the pendency of reference No. CGIT-39 of 1988, it was incumbent on the employer to obtain approval of this Tribunal for the said termination as contemplated by proviso to 33(2) of the Industrial Disputes Act and as no such approval was even sought by the employer section 33 stood contravened.

5. It is, however, pertinent to note that the termination of the part-time service of the workman was not effected for any misconduct. No approval of the Tribunal under section 33(2) (b) was therefore necessary. The termination was simple termination. It may amount to retrenchment and might have been effected in contravention of section 25-F of the Industrial Disputes Act. But that aspect of the matter is irrelevant so far as this complaint is concerned. As no approval was necessary under section 33(2), the termination effected without obtaining the approval contemplated by that provision cannot be said to be in contravention of section 33 of the Industrial Disputes Act. Unless there is contravention of section 33, section 33-A cannot be invoked by the concerned workman and no complaint under section 33 is maintainable. Complaint under section 33-A is thus mis-conceived and therefore deserves to be dismissed. Further complaint under section 33(1) cannot be filed before this Tribunal which has no jurisdiction to entertain and try such complaint. The complaint is therefore dismissed. Award accordingly.

M. S. JAMDAR, Presiding Officer
[No. L-13011/2/89-IR(DU)]

का. भा. 1146.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार सो. पी. डब्ल्यू. डा. श्रीनगर के प्रबंधक से सबब नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-89 प्राप्त हुआ था।

S.O. 1146.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relations to the management of Executive Engineer (Elect.), CPWD, Srinagar and their workmen, which was received by the Central Government on the 19-4-1989.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 75/88

PARTIES :

Employers in relation to the management of Central
Electrical, CPWD Srinagar.

AND

Their workman Daljit Singh.

APPEARANCES :

For the workman : None.

For the management : Anil Jit Singh.

AWARD

Dated : 30-3-1989

On a dispute raised by workman of Central Electrical, CPWD, Central Government had been pleased to make the following reference vide No. L-42012/181/87-D.II(B) dated 11th October, 1988 to this Tribunal :

"Whether the action of the Executive Engineer (Electrical), Central Electrical Division CPWD, Srinagar

(Kashmir) in terminating the services of Shri Daljit Singh son of Balwant Singh Asstt. Pump Operator is justified? If not, what relief the workman is entitled to and from what date?

2. None has put up appearance on behalf of the workman Worakman, himself was present on the last date of hearing when the proceedings were adjourned from 27-2-1989 for today i.e. 30-3-1989. Reference proceedings are, therefore, filed for want of prosecution. Central Government be informed accordingly.

Chandigarh.

30-3-1989.

M. S. NAGRA, Presiding Officer
[No. L-42012/181/87-D.II(B)]

का. भा. 1147:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मूलतः हाईड्रो इलेक्ट्रिक प्रोजेक्ट, ज्योतिपुरम के प्रवर्धन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रस्तुत करती है, जो केन्द्रीय सरकार को 19-4-89 को प्राप्त हुआ था।

S.O. 1147.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Salal Hydro Electric Project, Jyotipuram and their workmen, which was received by the Central Govt. on the 19-4-89.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. LD. 32/86

PARTIES :

Employers in relation to the management of Salal Hydro Electric Project, Jyotipuram J.K.

AND

Their Workmen

APPEARANCES :

For the workmen—Shri H. N. Biswas.

For the management—Shri R. L. Gupta.

INDUSTRY : Salal Hydro Electric Project. STATE J&K

AWARD

Dated 28th March, 1989

Present reference No. L-42011(10)/85-D.II(B) dated 17th March 1986 U/S. 10(1)(d) of the Industrial Disputes Act was received from the Labour Ministry for decision of the dispute which is as under :

"Whether the demand of the Salal Workers Union for payment of wages to Surveyors in regular cadre in the Salal Hydro Electric Project in pay scale of Rs. 425-700 is justified? If yes, to what relief are the workmen entitled to?"

2. At preliminary stage of the proceedings Shri H. N. Biswas representative of the workmen made the following statement on 17-12-1986.

"In view of the settlement submitted by the General Secretary of the Salal Workers Union, the matter stands settled between the parties and a 'No Dispute Award, may pleased be sent to the Ministry."

In view of the statement reproduced above made by representative of the workers Union, my learned predecessor vide his order dated 17-12-1986 ordered for return back of the reference as No Dispute Award. Thereafter Gen. Secretary of the Salal Workers Union, Jyotipuram moved an application dated 1-1-1987 for Setting aside of the order dated 17-12-86 on the ground that under an erroneous impression about settlement of another case inadvertently wrong statement was made in this case and that No Dispute Award given in this case be set aside. In its reply filed the management opposed the application and my learned predecessor per his order dated 10-10-87 had set aside No Dispute Award.

3. Case of the workman as mentioned in the statement of claim is that the management had appointed surveyors in work charge cadre in the scale of Rs. 260-430 and all the surveyors appointed are I.T.I. diploma holder having undergone two years course. On the other hand management appointed draftsman in regular cadre in the pay scale of Rs. 425-700 who are also I.T.I. diploma holder having undergone two years course and some of them do not even possess any diploma. That surveyors employed in some other projects of the National Hydroelectric Power Corporation Ltd. have also been allowed pay scale of Rs. 330-560 and in this view of the matter action of the management to keep surveyors in the work charge cadre in the scale of Rs. 260-430 is unjustified and tantamount to discrimination. Workman thus claim pay scale of Rs. 425-700 at par with draftsman appointed in regular cadre or atleast pay scale of Rs. 330-550 as in the case of surveyors employed in other projects of National Hydro Electric Power Corporation Ltd.

4. In its answer filed the management took plea that functionally there is no parity between the two categories of draftsman and surveyors. Function of the draftsman and those of the surveyors have been mentioned in detail in para No. 4 of the written statement. It is pleaded that duration of training course for draftsman and surveyors is not the determining factor for equating them at par with each other and nature and study and curricula are different as also nature of duties and functions assigned to their posts. It is pleaded further that Surveyors alongwith other categories of employees of the project were transferred to NHPC cadre w.e.f. 1-4-1983, but all these surveyors were appointed prior to 1-4-1983 when the project was under the direct administrative control of the Ministry of Energy, Govt. of India. The classification and categorisation of employees appointed by the management of Salal Hydro Electric Project prior to 1-4-1983 were made by a duly constituted body viz. 3rd pay commission in 1973 by classifying the category of Surveyors in work charged cadre in the pay scale of Rs. 260-430, as all the employees recruited by the project prior to 1-4-1983 were considered to be Govt. of India employees.

The management has pleaded that demand of the petitioners Unions stands already fulfilled through a bilateral settlement signed by the management of Salal Project and seven other Union and Associations including the recognised Union under Section 18(1) of the Industrial Disputes Act, 1947 on 3-4-1986, whereunder the pay scales of all the categories of workcharged employees were rationalised vide office order No. Part 1/15 of 1986 dated 31-5-1986. As per the rationalised pay scales, surveyors have been placed in the following three categories with three different pay scales.

1. Surveyors Gr. III—260-430.
2. Surveyors Gra. II—330-560.
3. Surveyors Gr. I—425-800.

and in view of the above the petitioner Union have no justification to press the dispute any further.

In the rejoinder filed the workmen took plea that the Salal Workers Union Regd. which has sponsored the present dispute has not signed the bilateral settlement dated 3-4-1986 and is such the said settlement is not binding on its member and moreover workmen claim pertain into bring them on the regular cadre and granting them pay scale of Rs. 425-700 or atleast Rs. 330-560 from the date of their appointment.

5. Parties were allowed to lead evidence and only workmen availed the opportunity. Workmen filed affidavit Ex. W1

of Naresh Kumar one of the Surveyor/workman who reiterated allegations made in the claim statement. During his cross-examination he admitted that there is separate admission of draftsman and surveyors with separate books and syllabus. He has also given different duties being performed by draftsman and surveyor. He admitted that there are some surveyors who are in grade I and grade II which they reach by way of promotion. Only in one project in Dhauhi Ganga there are one or two surveyors in grade of Rs. 330-530.

6. In the statement of claim dated 15-10-1987 filed under the signatures of V. P. Aiary, Vice President of the Salal Workers Union, workman have sought that they be brought on regular cadre and subsequently they be granted pay scale of Rs. 425-700 at par with the draftsman or atleast pay scale of Rs. 330-530. Reference made by the Central Govt. per order dated 17-3-1986 does not cover the controversy raised in the statement of claim is the workcharge surveyors of Salal Project are entitled to be brought on the regular cadre. I therefore, proceed to appreciate the merits of the petitioners case if their claim for pay scale of Rs. 425-700 is justified. The workmen are seeking the pay scale of Rs. 425-700 on the ground that the draftsman who are also two years III diploma holders have been granted the said scale. I find weight in the arguments advanced by the representative of the management that duration of the training course for obtaining I.T.I. diploma can not be determining factor for equating the pay of surveyor with the draftsman. It is not a case of equal pay for equal work in as much as job function of the two posts are entirely different. Surveyor job is pre-construction only and they can not seek equating of pay scale on the ground that they have equal educational qualification or if their job is more onerous. Admittedly the draftsman are working in regular cadre and the petitioners/Surveyors are in the work charge cadre. The petitioners have failed to establish their claim for equating them at par with draftsman in the matter of pay scale. The present reference was made on 17-3-1986 and subsequent to that seven other unions and associations including recognised union have admittedly entered into bipartite settlement wherein pay scales of work charge employees including the surveyors have been rationalised and the surveyors have been placed in the following three categories with three different pay scales as follows :

Surveyors Grade III 260-430.

Surveyors Gr. II 330-550

Surveyor Gr. I 425-800.

Surveyor grade III drawing pay scale of Rs. 260-430 on promotion as surveyor grade II have been allowed pay scale of Rs. 330-550 and surveyor grade II on promotion as grade I has allowed pay scale of Rs. 425-800 which is reasonable categorisation with avenues on promotion.

The reference is therefore returned with the findings that demand of the salal workers union for payment of wages to all workcharge surveyors employed at Salal Hydroelectric Project for the pay scale of Rs. 425-700 is not justified.

Chandigarh.

28-3-1989.

M. S. NAGRA, Presiding Officer

[No. L-42011/10/85-P.II(B)]

क्र. मा. 1143—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार सहायक सुप्रीटेंडेंट पोस्ट आफिस, पूर्वी एम एफ एन, सबविभक्त नागपुर के प्रमुख से सम्बन्धित विवादों और उनके कर्मचारों के बीच अनुसूचन में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, बम्बई के पंचाद की प्रस्तावित करती है, जो केन्द्रीय सरकार की 19-4-89 की प्रज्ञा द्वारा था।

S.O. 1148.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial

Tribunal, No. I, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Asstt. Supdt. of Post Offices, East MFL Sub-Division, Nagpur and their workmen, which was received by the Central Government on the 19-4-1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT BOMBAY

Reference No. CGIT-39 of 1988

PARTIES :

Employers in relation to the Management of Asstt. Supdt. of Post Offices, East MFL Sub-Division, Nagpur.

AND

Their Workmen.

APPEARANCES :

For the Management.—Mr. Ramesh Darda, Advocate.

For the Workmen.—Mr. A. S. Bhagat, Advocate.

INDUSTRY : Post & Telegraph. STATE : Maharashtra.

Bombay, dated the 29th day of March, 1989

AWARD

The Central Government in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal, for adjudication :

"Whether the action of the Assistant Supdt. of Post Offices, East Mofussil Sub-Division Nagarpur in terminating the services of Shri Manjur Hussain and EDDA at their Kamptee City Post Office w.e.f. 9-2-1987 is justified? If not, to what relief the workman concerned is entitled to?"

2. The workman Shri Manjur Hussain was working as Extra Department Delivery Agent in Kamptee City Post Office on monthly wage of Rs. 240 since 1-3-1985. He took charge of the said post from Shri Niyaz Ahmed as mentioned in the charge report (Ex. W-1). His services were terminated without any written order or without any notice on 9-2-1987. He claimed that he was appointed in a clear vacancy and before his services were terminated he worked for nearly two years, for 712 days to be precise. According to him, his services were terminated in order to accommodate Shri J. B. Tekade, who was working as E.D.D.A. at Adasa Borgaon and another person was newly appointed in the vacancy caused by Shri J. B. Tekade at Adasa Borgaon. According to him, the termination of his service was not only in contravention of the Rules of the Postal Department but amounted to retrenchment, which having been effected without following the procedure prescribed in section 25-F of the Industrial Disputes Act, was void and in-operative.

3. The Employer, Assistant Superintendent of Post Offices West Sub-Division, Nagpur contended that the workman Shri Manjur Hussain was engaged purely on temporary basis as a substitute E.D.D.A.-cum-ED packer by the SPM, Kamptee City Post Office with effect from 1-3-1985 and he worked as a substitute during the period of two years on one or the other post of ED employees in short-term arrangements of grade 'D' and postmen cadre staff and as no regular post was vacant after 23-9-1986 the workman's services were discontinued when Shri J. B. Tekade joined the duties. The Assistant Superintendent of Post Offices maintained that the transfer of Shri J. B. Tekade whose request for transfer to Kamptee on account of ill health was pending for long was duly considered and was as per the Recruitment of ED Staff Rules.

4. The two charge reports Ex. W-1 and Ex. W-2 clearly show that the workman was appointed in a clear vacancy. As a matter of fact, the Assistant Superintendent of Post Offices has not denied that the workman was appointed in a clear vacancy on 1-3-1985. What he has averred in his written statement is that after 23-9-1986 there was no regular post vacant for the workman and hence his services were

dis-continued when Shri J. B. Tekade joined the duties. It is also not disputed that in the vacancy caused at Adasa Borgaon due to transfer of Shri Tekade to Kamptee, a new person was appointed. The termination of Shri Manjur Hussain was therefore arbitrary, unauthorised and illegal.

5. The termination which amounted to retrenchment was void ab-initio also because it was effected without observing the pre-conditions of retrenchment laid down in section 25-F of the Industrial Disputes Act. Admittedly, the workman was in continuous service for nearly two years. It was therefore, incumbent on the employer to serve the workman with a notice, mentioning the cause of the retrenchment or to pay him wages in lieu of such notice and to pay him retrenchment compensation as per clause (b) of section 25-F. Admittedly this was not done. The retrenchment and therefore the termination was therefore void ab-initio and the workman is entitled to be reinstated in service. In the result, it is declared that the termination of service of the workman Shri Manjur Hussain was void ab-initio and the Assistant Superintendent of Post Offices, Nagpur is directed to re-instate the workman in service forthwith and to pay him full back wages from the date of the termination till the date on which he is actually reinstated less the wages paid to him as part-time workman in the Kamptee City Post Office from 10-2-87 to 18-8-1988. Award accordingly.

M. S. JAMDAR, Presiding Officer
[No. L-40012/36/87-D.II(B)]

का. भा. 1149—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार आकाशवाणी, नागपुर के प्रभुत्व के सम्बन्ध नियोजकों और उनके कर्मचारों के बीच, अनुसूचन में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-4-89 प्राप्त हुआ था।

S.O. 1149.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of All India Radio, Nagpur and their workmen, which was received by the Central Government on the 18-4-89.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

Reference No. CGIT-3 of 1988

PARTIES:

Employers in relation to the management of All India Radio, Nagpur.

AND

Their workmen.

APPEARANCES:

For the Management.—Mr. Ramesh Darda, Advocate.

For the Workmen.—Workman present in person.

INDUSTRY: Broadcasting. STATE: Maharashtra.

Bombay, dated the 28th day of March, 1989

AWARD

The Central Government in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Director Engineering All India Radio, Nagpur in terminating the services of Shri Anil Rambhau Dhomne, Casual Labour, w.e.f. 30-10-1986 is justified? If not, to what relief is the workman entitled to?"

2. It is an admitted that the workman Shri Anil Rambhau Dhomne, was employed as labourer on daily wages with effect from 11-5-1985 to 31-10-1986, at the National Channel 1000 KW/MV Transmitter project at Butibori of All India Radio. The workman specifically asserted that he worked continuously and without any break for 17 months and 18 days till 30-10-86 and worked for more than 240 days during 12 calendar months prior to the date from which his services were terminated. The fact that he had worked for 240 days in 12 calendar months prior to the termination of his service is not disputed. What is contended is that the workman was not working continuously without any break for 17 months and 18 days till 30-10-1986 and that he was not on duty on number of occasions and also there was break in his service during the relevant period. These breaks in the workman's service however has no legal effect and in spite of these breaks the 240 days service in 12 calendar months shall be deemed to be continuously service for a period of one year within the meaning of sub-section (2) of section 25-B of the Industrial Disputes Act. Service of 240 days in a period of 12 calendar months is equal not only to service for a year but is deemed to be continuous service, even if interrupted. As the workman was deemed to be in continuous service for a period of one year and more, it was incumbent on the employer to follow the procedure prescribed in section 25-F before terminating his service. It was obligatory on the employer to give the workman one month's notice in writing indicating the reasons for retrenchment or to pay him wages in lieu of such notice and also retrenchment compensation as mentioned in clause (b) of section 25-F of the Industrial Disputes Act. The facts that no appointment order was given to the workman and that the procedure prescribed for regular appointment under the first party was not followed in the case of the workman have no relevance. The fact that the workman was a casual workman who was paid on daily basis also does not alter the position. The termination of the workman's service which in this case amounted to retrenchment was void and inoperative in view of the non-compliance of conditions precedent to retrenchment as laid down in section 25-F of the Industrial Disputes Act.

3. In the written statement, it is contended on behalf of the first party that the casual employment of the workman was brought to an end because the workman was suspected by Police in connection with a theft of some imported material and it was thought inadvisable to retain a casual mazdoor who worked on temporary basis and whose integrity was doubtful. There is however, nothing on record to show that the workman's services were terminated on this ground. Admittedly, he was not dismissed or discharged from service for any misconduct. Moreover, the certificate issued by the Director Engineering Installation Shri Bhalme, who filed the written statement on behalf of the management, shows that the work of Shri Anil Rambhau Dhomne was satisfactory. In the result, therefore, the termination of the workman's service is declared to be void, and illegal and the first party is directed to re-instate Shri Anil Rambhau Dhomne in service forthwith and to pay him full back wages from the date of the termination till actual re-instatement. Award accordingly.

M. S. JAMDAR, Presiding Officer
[No. L-42012/51/87-D.II(B)]

HARI SINGH, Desk Officer

नई दिल्ली 28 अप्रैल, 1989

का. भा. 1150—केन्द्रीय सरकार, कार्यचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के प्रवर्तन से सम्बन्धित नेशनल टेक्स्टटाईल कारपोरेशन (उ. प्र.) लिमिटेड, कानपुर के पंजीकृत प्रधान कार्यालय में नियुक्त नियमित कर्मचारियों को 1-10-1985 से 30-9-1991 तक की अवधि में यह दिनांक भी सम्मिलित है की अवधि के लिए छुट्टी प्रदान करती है।

3. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्—

(1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाधिकार दिखाए जाएंगे—

(2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अर्थात् ऐसी प्रवृत्तियाँ प्राप्त करने रहेंगे, जिनको पाने के लिए वे इस अधिनियम द्वारा दी गई छूट के प्रयुक्त होने की शर्तों के पूर्व राखे अधिनियमों के आधार पर हकदार हो जाते,

(3) छूट प्राप्त अधि के लिए यदि कोई अनिवार्य पहले हो कि या चुके हो तो वे वापस नहीं किए जाएंगे,

(4) उक्त कारखाने का नियोजक, उस अधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् "उक्त अधि" कहा गया है), ऐसी विवरणियाँ, ऐसे प्राहप में और ऐसी विनिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अधि की बाबत वेय थी।

(5) निम्न द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) में अर्थात् निम्न किये गए कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदाधिकारी—

(i) धारा 44 की उप-धारा (1) के अधीन, उक्त अधि की वापस दी गई किसी विवरणी की विनिष्टियों को सत्यापित करने के प्रयोजनार्थ;

(ii) यह अभिलिखित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अवस्थित रजिस्टर और अभिलेख उक्त अधि के लिए रखे गये थे या नहीं; या

(iii) यह अभिलिखित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके प्रतिफल स्वरूप इस अधिनियम के अर्थात् छूट दी जा रही है, तब से और अन्य रूप में पाने का हकदार बना हुआ है या नहीं; या

(iv) यह अभिलिखित करने के प्रयोजनार्थ कि उक्त अधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे विनिष्टि उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सज्जत होगा—

(क) प्रधान या अध्यक्षित नियोजक से अवस्था करने कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदाधिकारी आवश्यक समझता है,

(ख) ऐसे प्रधान या अध्यक्षित नियोजक के अधिभोगाधीन किसी कारखाने स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अवस्था करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, जर्नाल और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदाधिकारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने वे, या उन्हें ऐसी जानकारी दे, जिसे वे आवश्यक समझते हैं; या

(ग) प्रधान या अध्यक्षित नियोजक की, उसके अधिकारी या सेवक को, या ऐसे किसी व्यक्ति को जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में गया जाए, या ऐसे किसी व्यक्ति को जिसके बारे में उक्त निरीक्षक या अन्य पदाधिकारी के पान यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना, या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर रखे गए किसी रजिस्टर, लेखा यही या अन्य दस्तावेज की निकल तैयार करना या उसने उद्धरण लेना।

[मं. एन-38014/53/86 ए.स. एन-1]

(स्पष्टीकरण आपन)

इस मामले में छूट को भुलकी प्रभाव देना आवश्यक हो गया है क्योंकि छूट के आवेदन पर कार्यवाही करने में समय लगा था। किन्तु यह प्रमाणित किया जाता है कि छूट को भुलकी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल भाव नहीं पड़ेगा।

New Delhi, the 26th April, 1989

S.O. 1150.—In exercise of the powers conferred by section 88, read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of the registered Head Office of The National Textile Corporation (Uttar Pradesh) Limited, Kanpur from the operation of the said Act for a period with effect from 1st October, 1985 upto 30th September, 1991.

The above exemption is subject to the following conditions, namely :—

(1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;

(2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

(3) The contributions for the exempted period, if already paid, shall not be refunded;

(4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purpose of—

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered; or

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

[No. S-38014/53/88-SS.I]

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the processing of application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

नई दिल्ली, 28 अप्रैल, 1989

का. आ. 1151—कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 5-घ की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, श्री बी. एन. सोम (भारतीय डाक सेवा) को 31 मार्च, 1989 (पूर्वाह्न) से अगले आदेश तक केन्द्रीय भविष्य निधि आयुक्त के रूप में नियुक्त करती है।

[संख्या ए-12012/2/88 एस. एस. III]

ए. के. भट्टारай अवर सचिव

New Delhi, the 28th April, 1989

S.O. 1151.—In exercise of the powers conferred by sub-section (1) of section 5-D of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Shri B. N. Som (Indian Postal Service) as Central Provident Fund Commissioner with effect from 31st March, 1989 (Fore noon), until further orders.

[No. A-12012(2)/88-SS.III]

A. K. BHATTARAI, Under Secy.

का. आ. 1152—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स इण्डियन आयरन एंड स्टील कंपनी लि. की, चसनाला कोलियरी के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) घनबाद, के पंचाट को प्रकाशित करती है,

New Delhi, the 26th April, 1989

S.O. 1152.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the Industrial dispute between the employers in relation to the Management of Chasnalla Colliery of M/s. India Iron & Steel Company Ltd. and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 268 of 1986

In the matter of an Industrial dispute under Section 10 (1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Chasnalla Colliery of Messrs. Indian Iron and Steel Company Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri B. N. Sharma, Joint General Secretary, Janta Mazdoor Sangh.

On behalf of the employers : Shri R. Paul, Dy. Manager (Personnel)

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 6th April, 1989

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(134)/86-D.III(A), dated, the 30th July, 1986.

SCHEDULE

"Whether the demand of Janta Mazdoor Sangh that the management of Chasnalla Colliery of M/s. IISCO Ltd. should regularise as Watchmen their workmen, whose names are given below, with payment of appropriate wages to them as Watchmen under the National Coal Wages Agreement III is justified? If so, to what relief are these workmen entitled?"

ANNEXURE 'A'

1. S/Shri Ram Ratan Bhai
2. Jagrojan Yadav
3. Suresh Singh
4. Baljnath Yadav
5. Buddhi Mallik
6. Chandip
7. Yudhisthir

The case of the workmen is that the 7 concerned workmen are performing their duties as Watchmen in their Security department of Chasnalla Colliery of M/s. IISCO Ltd. for more than 10 years but have not been regularised as Watchman inspite of their repeated representation. They were employed in time rated job of different categories and were subsequently requisitioned by the management to work as Watchman in the Security department continuously. Although they have worked for 10 years as Watchmen in the Security department they have neither been redesignated as Watchman nor regularised by making fitment in the appropriate Grade. The concerned workmen jointly made representation dated 11-6-85 to the Additional General Manager (C) of the Company and demanded their regularisation as Watchmen in accordance with the performance of their duties as Watchmen. The management did not concede to their demand nor gave any reply to the said representation. When the management did not concede to their demand the concerned workmen approached their union, namely, Janta Mazdoor Sangh for raising industrial dispute before the ALC(C) Dhanbad. The Joint General Secretary of Janta Mazdoor Sangh raised the industrial dispute before the ALC(C) Dhanbad vide their letter dated 4-12-85. The union demanded that the concerned workman should be regularised as Watchmen in the Security Department and should be placed in appropriate

grade of scale of pay of NCWA-III with protection of their existing wages. The ALC(C) took up the matter in conciliation but it ended in failure. Thereafter the present reference was made to this Tribunal for adjudication. The actual job performance if a workman is the deciding factor for their grade, scale of pay and proper designation but the management in gross contravention of the law did not act properly and refused to concede to the demand of the union representing the concerned workman. The concerned workman had along been working continuously as Watchmen from the very date of their appointment but they have been deprived of the benefits enjoyed by the Watchmen in the security Department. The management is making discrimination in the case of the concerned workman which amounts to victimisation, and behalf of the concerned workmen that the concerned unfair labour practice. On the above facts it is prayed on workmen should be redesignated as Watchman with protection of their wages from the date of their appointment with all consequential benefits.

The case of the management is that the Chasnalla Colliery was planned for mining col by Horizon mining in view of the existence of special mining condition. In the course of extension of footwalls, longwalls and ventilation connection of first horizon, a major disaster causing the death of 375 persons occurred of 27-12-1975 resulting in flooding of the mine. Since then Horizon mining remained closed rendering about 1600 workers surplus to the requirement of the management. In order to alleviate the miseries of the family of the 375 employees who died in the accident the management provided employment to the dependent of deceased employee thus creating further surplus workmen in the establishment. The management did not retrench any of the surplus workmen of Chasnalla Colliery and maintained them on the roll paying them wages and other benefits which caused huge loss to the management. The management started taking help of the experts of Indian and foreign countries to redesign the plan for commencing the Horizon mining with safety and to arrange financial aid so that the operation may commence. The management employed the surplus workmen on alternative jobs as and when possible and during the rest of the period they remained idle without doing any work although they get full wages for the idle period. The concerned 7 workmen belonged to the group of surplus workmen of Chasnalla Colliery belonging to different categories. The concerned workman at Sl. No. 1 Shri Ramratan Bhat, Sl. No. 3 Suresh Singh, S. No. 5 Buddhi Mallik and S. No. 6 Chandin are in Cat. IV, Sl. No. 4 Balinath Yadav is in Cat. II Sl. No. 2 Jagrojan Yadav and Sl. No. 7 Yudhisthir are in Cat. III. The wages of all these Category II, III and IV are more than the wages of Grade-H fixed for the Watchmen. The seven concerned workmen were posted in the security department to be engaged on misc. jobs including the job of Watchmen depending upon the requirement. The concerned workmen do not possess necessary training and experience of Watchmen and as such they are not fit to be permanently employed as Watchmen of the security department. Ex-servicemen, ex-policemen and Homeguards are more suitable for the post of Watchmen and the management generally recruits such persons as Watchmen. The concerned workmen are in fact working as Helper to watchmen/security men and they are to be reverted to their original jobs in the mining department as soon as those jobs will be available on the mining side. In such situation the demand for regularisation of the concerned workmen as Watchmen is without any merit. The sponsoring union is stronger union having no idea about the problems of the colliery. There are several recognised unions functioning in the colliery since before 1975 and are fully aware of the facts and circumstances under which the management is carrying huge surplus labour and they are not raising such absurd demand as has been raised by the sponsoring union. Their union had requested the management not to retrench the surplus labour and to utilise them partially in some way or other so that the surplus workers are not unemployed. On the above facts it is submitted on behalf of the management that the demand of the

union is illegal, unjustified and is liable to be rejected and that the concerned workmen are not entitled to any relief.

The point for decision is whether 7 concerned workmen should be regularised as Watchmen with payment of appropriate wages as watchmen under NCWA-III.

The workmen examined two witnesses and the management examined one witness in support of their respective case. The workmen exhibited one document which has been marked as Ext. W-1. The documents of the management have been marked Ext. M-2 to M-6.

It appears from the case of the workmen in their W.S. that the 7 concerned workmen are working as Watchmen since the date of their appointment whereas the case of the management is that the concerned workmen were actually working in different categories in Chasnalla colliery and that they were given alternative job in the security department after the Chasnalla disaster which took place in December, 1976. Hence it has to be seen whether the concerned workmen were working as Watchmen since the date of their appointment or whether they were put to work in the security department when they became surplus after the disaster in Chasnalla Colliery. WW-2 Suresh Singh is one of the concerned workmen. He has stated that all the concerned workmen were appointed in 1973 as Mazdoor. He has stated that they received appointment letter. He has further stated in his cross-examination that all the concerned workmen are working as Watchmen since before Chasnalla disaster of 1975. Towards the end of his cross-examination he has stated that he cannot say the category of which wages were being paid to them. Thus he has very conveniently tried to escape about the category in which the different concerned workmen were placed. WW-1 Ramratan Bhat is one of the concerned workman. He has stated that all the 7 concerned workmen are working as Watchmen in the security department of Chasnalla colliery since about 11 years and that although they are working as watchmen the management did not designate them as Watchmen. In cross-examination he has reiterated that since the date of their appointment they were all working as Watchmen. He has stated that he has no paper with him regarding his appointment as Watchmen and the concerned workmen did not get any authority to work as Watchmen. He has further stated that on 27-12-75 there was disaster in Chasnalla colliery due to which the said mine was closed. He also supports the management that some of the workmen died in the said disaster and as such some of their dependents were taken in the employment by the management and there was surplus of watchmen due to the closure of the said mine and also because of the appointment of dependents of the deceased workmen. He stated that surplus workmen were sent to work in the security department, Jitpur colliery, rope way and washeries. He has further stated that in security department training is imparted but the concerned workmen were not given any training in the security department. He has denied that as they had training in the security department the management decided to transfer them to other department. The evidence of WW-1 supports the case of the management that after Chasnalla disaster the Chasnalla colliery was closed and the persons working there became surplus and the management gave them alternative employment at different places including the security department. WW-1 Shri G. N. Verma is working as Sr. Administrative Officer Incharge of Administration including Security department at Chasnalla colliery of IISCO. He has stated that due to the accident in Chasnalla colliery in 1975 the workmen working in the said colliery became surplus and were deployed at different places in different collieries of IISCO on alternative jobs. He has stated that the 7 concerned workmen who were also workmen of Chasnalla colliery prior to the accident were deployed in the security department on the alternative jobs and that their wages were not altered on the deployment in the security department. He has hinted about the difficulty of the management if the concerned workmen are regularised in the security department in view of the fact that they would be getting wages of Cat. II, III and IV which they are already getting and is higher than Group-H wages

of the Watchmen and this would lead to heart burning for the regular watchmen of the security department who are drawing less wages than that of the concerned workmen and this may further lead to a demand of higher wages by the permanent watchmen of the security department. MW-1 has stated that the total strength of watchmen in the security department is 100 out of which 93 are regular watchmen who are all ex-servicemen. He has further clarified that there is no civilian out of those 93 regular watchmen. He has stated that there are papers to show the sanctioned strength of the security department and that the payment of the security department is made according to the sanctioned strength of the security person. He has stated that the original designation of the concerned workmen continued and no new designation was assigned to them in the security department in accordance with the job being performed by them. It will also appear from his evidence that the concerned workmen used to work as helper of the regular watchmen and used to accompany the regular watchmen in their job. He stated that the concerned workmen were also taken misc. work in the security department.

From the evidence of WW-1 and WW-2 discussed above it will appear that the concerned workmen were appointed as Mazdoor near about the year 1973 and that since then they were working as Watchmen. Had the concerned workmen been working as watchman from the very date of their appointment in the designation of mazdoor the concerned workmen would not have been promoted to the jobs of Cat. II, III and IV. The fact that the concerned workmen were promoted from Cat. I mazdoor to Cat. II and III itself will show that the concerned workmen were not working as Watchmen in the security department from the date of their appointment and that as they were working in different categories they were placed in different categories and were paid the wages of the higher Cat. II, III and IV which was carrying more wages than the wages of Watchmen Grade-H. It is clear therefore that the concerned workmen were not working as Watchmen in the security department of Chasnalla colliery prior to the disaster.

It is admitted that the concerned workmen were working as Watchmen in the security department of Chasnalla colliery. Ext. M-6 is the Attendance Register for the period January, 1983 to December, 1984, Ext. M-5 is the Attendance Register from January, 1985 to December, 1985. In these two registers the concerned workmen's designation shows that they were from mining department. At no place of the Attendance register their designation was shown as Watchmen. The fact that they are shown to be from the mining department or from the coal mine supports the fact that the concerned workmen were placed in the security department from the mining side of the colliery and had not worked as watchmen prior to their deployment in the security department. Ext. M-2, M-3 and M-4 are daily duty register of Security department Chasnalla which shows the deputation of the regular watchmen and the concerned workmen on different dates at different

places. These registers will show that the concerned workmen were deployed to work as watchmen in the security department. Ext. M-1 is the leave/sick register of the security department of Chasnalla colliery for the year 1985. This document does not serve any purpose for deciding the case. The evidence therefore comes to this that the concerned workmen are working as watchmen in the security department of Chasnalla colliery after Chasnalla disaster of 1975. Although the concerned workmen are admittedly working as Watchmen since the year 1976 they have not been designated as Watchmen and they are still placed in Cat. II, III & IV to which they originally belonged and are getting the wages of their old category. It appears that they were promoted from Cat. I Mazdoor to the higher categories. The prayer portion in the W.S. of the union shows that with the re-designation of the concerned workmen as watchmen their wages were also to be protected from the date of their appointment. The concerned workmen were appointed as Mazdoor in Cat. I and the prayer in the W.S. therefore cannot be for protection of their wages of Cat. I from the date of their appointment. It clearly shows that the concerned workmen were in the higher category II, III and IV and as such the demand was being made for protection of their wages of Cat. while redesignating them as Watchmen. Now the question is whether the workmen who had already been regularised in the different categories can be regularised as watchmen with protection of their category wages which they were getting prior to their employment as watchman. The Central Standing Orders of Chasnalla colliery defines "Probationer" in clause 3. Probationer is one who is provisionally employed to fill a vacancy in a permanent post and has not completed 3 months service in that post. It further provides that if a permanent workman is employed as Probationer in a new post he may at any time during the probationary period not exceeding 3 months be reverted to his old permanent post. There is no evidence that the concerned workman was at any time employed as a Probationer in the new post of Watchmen. According to the Standing orders a workman appointed as probationer against permanent post existing at a particular time can claim regularisation after completion of the period of probation. Unless the concerned workmen were placed as Probationer in the permanent vacancy of watchmen they cannot claim to be regularised as Watchmen.

Section 25F of the I.D. Act provides that the compensation shall be paid to a workman who has been laid off if he refuses to accept any alternative employment in the said establishment from which he has been laid off and such alternative employment does not call for any special skill or previous experience and can be done by the workmen provided that the wages which would normally have been paid to the workmen are offered for the alternative employment also. After Chasnalla disaster the mine was closed and the workmen could have been laid off by the management. But instead the management took a compassionate view of the matter and decided to give alternative employment to the workmen who had become surplus to the management due to the closure of the Chasnalla colliery. It was for this reason that the concerned workmen were placed in the security department where no technical knowledge was required and they were to work along with the permanent watchmen. The management had also protected their wages which they were previously getting and the management did not order for payment of for less wages of Watchman. It is

stated in the W.S. of the management that as soon as the work of the category to which the concerned workmen originally belonged is taken up in Chasnalla colliery, the concerned workmen will be replaced in their original jobs. There is another reason why the concerned workman could not be regularised as Watchman. It appears from the evidence of W-1 and also the evidence of MW-1 that for posting in the security department training is imparted but no training was given to the concerned workmen. The case of the management further is that they are mostly deploying ex-servicemen and ex-policemen in the security department and as the concerned workmen are neither trained nor are ex-servicemen or ex-policemen it will not be worthwhile to regularise them in the permanent post of Watchmen. There is no rule regarding the regularisation of workmen placed in the alternative job if there was possibility of re-starting of the mine and placing them in their original job or the category to which they belonged. It looks no doubt somewhat unusual that a workman working for over 12 years as watchmen are not being regularised but there does not appear to be any law to regularise such workmen in the alternative job where the management is trying to reopen the mine from which they have been placed in the alternative job. Moreover the management is paying the higher wages of the different categories to which the concerned workmen originally belonged. As many years have passed since the concerned workmen have been placed in the alternative job of watchman in the security department, it will be worthwhile for the management to decide now whether they will be reported in the job of their old category in the near future within a year or they will continue in the security department and if there is no possibility of placing the concerned workmen to their old job the management may decide to regularise them as watchmen in the security department as by now they have secured experience of watchmen having worked therefore more than 12 years.

In the result, I hold that the demand of Janis Mazdoor Sangh that the management of Chasnalla Colliery of M/s.isco. Ltd. should regularise the 7 concerned workmen as watchmen is not justified. The management however will consider the matter as discussed above.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-20012/134/86-D.III(A)]

का. भा. 1153.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमिटेड को गोहापट्टी कोलियरी के प्रबन्धन से सम्बन्धित विवादों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2, धनबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-1989 को प्राप्त हुआ था।

S.O. 1153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Management of Lohapatti Colliery of M/s. Bharat Coking Coal Ltd., and their workmen, which was received by the Central Government on the 19-4-1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 150 of 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Lohapatti Colliery of Messrs. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri J. P. Singh, Advocate.

On behalf of the employers—Shri B. N. Prasad, Advocate.

STATE : Bihar.

INDUSTRY : Coal

Dated, Dhanbad, the 11th April, 1989

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012-(5)/87-D.II 1(A), dated, the 6th May, 1987.

SCHEDULE

"Whether the action of the management of Lohapatti colliery of M/s. Bharat Coking Coal Limited in dismissing S/Shri M. M. Prasad and 10 others from service with effect from 15-1-1982 is justified ? If not, to what relief are those workmen entitled ?"

ANNEXURE

Name of the workmen

1. M. M. Prasad, Head Clerk.
2. D. K. Mukherji, Electrician
3. A. K. Pathak, Elec. Helper
4. Jagdish Prasad, Bill Clerk
5. Rami Naraini Singh, Office Peon
6. Rohan Mahato, Trammer
7. B. Charku Mahato, Trammer
8. Rajeshwar Singh Elec. Helper
9. Kahi Koy, Timber Mistry
10. Jogendra Singh, Attendance clerk.
11. R. N. Prasad, Attendance Clerk.

The case of the management is that the concerned 11 workmen were chargesheeted by the Agent, Lohapatti Colliery and AM(1) Area No. 11 vide chargesheet dated 29-11-78 for committing serious acts of misconduct on 27-11-78 at about 4.45 P.M. under clause 18(i)(e), 18(i)(u) and 18(i)(t) which deals with riotous behaviour instigation and abetment of the act of misconduct i.e. assault and for preaching for inciting to violence. It was alleged that the concerned 11 workmen and Baiju Mahato armed with lathi and iron rod led a mob of about 200 persons at 4.45 P.M. on 27-7-78 to the manager's bungalow and severely assaulted S/Shri A. Dutta, Manager, R. S. Yadav, Engineer and Dr. S. P. Mahanti, Medical Officer with lathi and iron rods inflicting serious injuries on them. As the chargesheeted workmen were not available in the colliery the chargesheets were sent to them by registered post and it was also published in the local Hindi Newspaper "Awaz". The registered cover were returned by the postal authority undelivered. In response to the chargesheet published in the Newspaper the concerned workmen submitted their written explanation to the chargesheet denying the charges. Thereafter the management ordered to hold a domestic enquiry and appointed Shri P. N. Chaturvedi the then Addl. Chief Security Officer to hold the enquiry into the charges levelled against the concerned workmen. The enquiry officer held the domestic proceeding in presence of the concerned workmen and their representative co-worker. The enquiry officer had held the enquiry in fair and just manner and had observed the principles of natural justice. The concerned workmen were given opportunity to be represented through their co-worker. The management's witnesses were examined in presence of the concerned workmen and their co-workers. The concerned workmen were given full opportunity to cross-examine the witnesses examined on behalf of the management and the concerned workmen were also given opportunity to give their own statement and produced their witnesses in defence. The concerned workman Shri M. M. Pandit examined Shri Nemchand Rewani, Smt. Baldehi Devi and Smt. Savitri Devi. The concerned workman Rajeswar

Singh examined Shri Harkhu Pandit in his defence concerned workman Shri A. K. Patnak examined Shri Gouranga Chatterjee in his defence. The other concerned workmen did not examine any witness in their defence. On the basis of the evidence produced in the enquiry, the enquiry officer submitted his report. He held the concerned workmen guilty of the charge framed against them. The disciplinary authority went through the enquiry proceeding, enquiry report and findings of the enquiry officer and agreeing with the finding in the enquiry report dismissed the concerned workmen from service of the company. Having regard to the seriousness of the misconduct and its effect on the general discipline, the action of the management in dismissing the concerned workmen is bonafide, justified and legal. The concerned workmen were dismissed from the services with effect from 15-1-82. The industrial dispute was raised on behalf of the concerned workmen after a gap of about 4-1/2 years. A criminal case was also instituted against them for the said allegation contained in the chargesheet before the enquiry officer in which they were convicted by the trial Court but were acquitted by the Appellate Court. It was only after the concerned workmen were acquitted by the appellate Court in the criminal case that they raised the industrial dispute. The authority of the disciplinary authority never challenged by the concerned workmen prior to the acquittal order of the appellate criminal Court. The acquittal of the concerned workmen by the appellate Court in the Criminal Case has no bearing in the departmental action which has been taken on proved misconduct in the departmental enquiry held in accordance with the principles of natural justice. The concerned workmen Shri M. M. Prasad was further charged alleging that on 27-11-78 at about 1.00 P.M. he went to the quarter of Shri R. S. Yadav, Engineer armed with iron rod and assaulted him with it. The enquiry officer did not find Shri M. M. Prasad guilty of the said charge contained in the chargesheet marked Ext. M-V by the enquiry officer. On the above facts it is submitted on behalf of the management that the action of the management in dismissing the concerned workmen from service with effect from 15-1-82 is justified and the concerned workmen are not entitled to any relief.

The case of the workmen is that the concerned 11 workmen worked in Lohapatty Colliery of M/s. B.C.C.L. on different jobs. They were chargesheeted on 29-11-78 for alleged misconduct against them under clause 18(i)(e), 18(i)(u) and 18(i)(t) of the Standing Orders of Lohapatty Colliery and they were asked to show cause against the proposed disciplinary action with order of suspension pending enquiry. The concerned workmen submitted the explanation denying the allegations as false, baseless and misrepresentation of facts. Thereafter the management allowed the concerned workmen to resume their duties and ordered for a domestic enquiry by Shri P. N. Chaturvey, DIG/Chief of Security into the charges levelled against the concerned workmen. One FIR was lodged on 27-11-78 with regard to the occurrence which the concerned workmen were chargesheeted in the departmental enquiry. The Police submitted chargesheet after investigating the case and the concerned workmen were tried and found guilty of the charges and were convicted. No action was taken against the concerned workmen for about 2 years after the submission of the enquiry report. It was only after the conviction recorded by the trial Court in the criminal case that the management took up the matter for consideration of the enquiry report and passed order of dismissal against the concerned workmen. The management simply considered the judgement of the trial Court to make up its mind in passing the order of dismissal. The workmen had filed Appeal against the order of their conviction and sentence were acquitted by the appellate Court. The very basis of dismissal was the order of conviction and sentence recorded by the Magistrate which no longer existed in view of the fact that the judgement of conviction and sentence passed by the trial court was set aside and the concerned workmen were acquitted. The order of dismissal passed by the management, therefore, should be set aside. The order of dismissal dated 15-1-82 is based on the enquiry report of the enquiry officer in which the finding is perverse. The entire enquiry proceeding was against the principles of natural justice.

The facts stated by the management during the domestic enquiry was inconsistent with the chargesheet issued against

the concerned workmen. The original facts has been deliberately elaborated and twisted in order to trap the concerned workmen to give and show a plausible case to that the concerned workmen may be dismissed from service. Under the peculiar ground of tension created in the colliery some of the officers of the colliery were assaulted and therefore the officers combined to punish the important persons amongst the workers attributing to them overtacts in order to implicate them in the departmental action as well as in the criminal case. The evidence adduced during the domestic enquiry disclosed that the Area office was aware of some trouble between the manager of the colliery and the clerical staff and as such some officers of the Area were deputed to go to the colliery and restore normalcy. On that very date the concerned workman Shri M. M. Prasad, Head Clerk went to the office of the colliery Engineer Shri R. S. Yadav at about 1.00 P.M. and complained to him that Shri Yadav was raising a propaganda in the colliery that wife of the Head Clerk had illicit connection with the Colliery Manager. It was further alleged that Shri M. M. Prasad had assaulted Shri Yadav at that time. The Area officers were in the quarter of the colliery Manager who on hearing that some incident took place between Shri M. M. Prasad and R.S. Yadav called both of them to the colliery Manager. After hearing both sides the Area Officer tried to pacify both of them and accordingly Shri M. M. Prasad went away. Subsequently a rumour was spread that officers had combined to assault Shri M. M. Prasad and decided to lodge FIR against him. This attitude on the part of the officers created a tense feeling amongst the staff in the colliery and they came in the mob to the quarter of the Colliery Manager showing their resentment but the mob did not actually assault any of the officers.

The second part of the story which took place at about 4.45 P.M. originated out of the first part of the story which took place at about 1.00 P.M. should have been considered by the enquiry officer. In the light of his observation about the occurrence of the first part in order to take a correct conclusion. The enquiry officer should have considered that for some good reason workers were agitated about the behaviour of the officers of the colliery and that the mob came in agitated mood. The officers of the management were themselves to be blamed for creating such a situation and as such their testimony with regard to the overtact on the part of the concerned workman cannot be accepted to be true. The enquiry officer purposely did not put any reliance on the defence witness. The action of the management in dismissing the concerned workman is a glaring instance of unfair labour practice. On the above facts it is prayed that the order of dismissal of the concerned workman should be set aside and they should be reinstated in their service with effect from the date of their dismissal with back wages and other emoluments admissible to them.

As the concerned workmen were dismissed after holding a domestic enquiry into the charges levelled against them the management prayed that it may first be decided as a preliminary issue whether the domestic enquiry held into the charges against the concerned workmen was fair, proper and in accordance with the principles of natural justice. From the W.S. of the workmen also it appears that the fairness and propriety of the domestic enquiry was being challenged. As such the Tribunal decided to hear the parties on the preliminary issue whether the domestic enquiry held into the charges against the concerned workmen was fair proper and in accordance with the principles of natural justice, vide order dated 7-10-88, the Tribunal held that the enquiry proceeding was fair, proper and in accordance with the principles of natural justice and the case was fixed for hearing on merit on the materials which were already on the record of the enquiry proceeding.

The points for consideration in this case are :—

- (1) Whether the charges levelled against the concerned workmen are incorporated in clause 18(i)(e), 18(i)(u) and 18(i)(t) of the Certified Standing Orders of Lohapatty Colliery;
- (2) Whether the chargesheet and the dismissal order have been issued by the competent authorities;
- (3) Whether the order of dismissal passed against the concerned workmen should be set aside in view of

there acquittal in the criminal case for the same occurrence;

- (4) Whether the alleged acts alleged against the concerned workmen was within the ambit of the disciplinary jurisdiction of the employers;
- (5) Whether the charges levelled against the concerned workmen have been established in the domestic enquiry; and
- (6) Whether the punishment of dismissal is too harsh?

The management had examined Dr. S. P. Mohanty, Medical Officer, Shri A. Dutta, Manager Lohapatty Colliery, Shri R. S. Yadav, Engineer, Lohapatty Colliery, Shri S. K. Banerjee, Personnel Manager, Area No. 2, Shri A. Kumar Area Manager, Area No. 2 and Dr. S. K. Mishra, Medical Officer Murlidih Colliery before the enquiry officer. The concerned workmen Shri M. M. Prasad examined Shri Nemchand Rewani, Smt. Baidehi Devi and Smt. Savitri Devi in his defence. The concerned workman Rajeswar Singh examined Harkho Pandit in his defence and Shri A. K. Pathak examined Gouranga Chatterjee in his defence before the Enquiry Officer. The entire documents related to the Enquiry proceeding have been filed before the Tribunal and they are marked Ext. M-1 to M-18.

Point No. 1

It has been submitted on behalf of the workmen that the chargesheet against the concerned workmen was issued under clause 18(i)(e), (t) and (u) of the Certified Standing Orders of the Lohapatty colliery as amended by the Appellate authority but there was no such provision in clause 18. The charges relating to fighting, inciting or preaching to violence and abetment do not exist at all in the Standing Order of Lohapatty Colliery which was finally amended by the appellate authority. The certified Standing orders of Lohapatty colliery was filed in the enquiry proceeding and the same is marked as Ext. A-XXXVI which contains all the charges which had been levelled against the concerned workmen under clause 18(i),(e),(t) and (u) relating to assault riotous or disorderly behaviour at the premises of the mine, preaching or and abetment to the above misconduct. It will therefore appear that the charges levelled against the concerned workmen are incorporated in clause 18 of the Certified Standing Orders of Lohapatty colliery. The learned counsel for the workmen has submitted the Standing orders for the Coal Mining Industry as modified in accordance with the modification orders by the Appellate authority in Appeal No. 1 of 1950. There is a schedule attached to the said Standing Orders and from Sl. No. 74 of the schedule it will appear that East Lohapatty Jharia had submitted their draft standing orders under the Industrial Employment (SO) Act, 1946 to the RLC(C), Calcutta along with other collieries. From the perusal of the standing order as modified by the appellate authority it appears that the said order was the Model Standing Order for the Coal Mining Industry and it was not the Certified Standing Order of Lohapatty colliery. The extract from certified copy of Lohapatty colliery filed by the management in the domestic enquiry and was marked as A-XXXVI. The concerned workmen never raised any objection either before the enquiry officer or even in their written statement filed in this Tribunal that the provision of the Certified Standing Orders of Lohapatty Colliery under which they were charged was not the Certified Standing Orders of Lohapatty Colliery and was not applicable to them. The letter filed along with the Standing Order will show that clause 18 of the Certified Standing Orders Ext. A-XXXVI of Lohapatty Colliery was the certified standing orders as certified by the Certifying Officer on 31-3-64. Thus there can be no doubt that Ext. A-XXXVI contained the relevant clause 18 of the Certified Standing Orders of East Lohapatty Colliery relating to misconduct and that the Standing Orders filed on behalf of the workmen is not the certified Standing Orders of East Lohapatty colliery and was a Model Standing Order which also appears to have been modified and a new schedule 1A was inserted in the Industrial Employment (S.O.) Act, 1946 by G.S.R. 732 dated 12-5-71. The authenticity of the Certified Standing Orders of East Lohapatty Colliery which was certified in the year 1964 cannot be disbelieved and cannot be

challenged. I hold therefore that the charges levelled against the concerned workmen are incorporated in clause 18(1), (e), (t) and (u) of the Certified Standing Orders of Lohapatty colliery which govern the workmen of the said colliery.

Point No. 2

It is submitted on behalf of the workmen that the chargesheet issued by the Agent was without authority as he was not competent to issue the same. It is further stated that the dismissal order passed by the General Manager is bad as he had no authority to pass and the order of dismissal against the concerned workmen. It is also stated that the General Manager did not pass any speaking order. It is submitted on behalf of the management that the authority of the General Manager to issue the dismissal order or the competency of the Agent to issue chargesheet was challenged during the enquiry proceeding and the concerned workmen had proceeded in the enquiry proceeding assuming that the chargesheet was issued by the Agent who had the authority to issue the chargesheet and that the General Manager had the authority to pass the order of dismissal of the concerned workmen from service. It was held in 1970 Lab. I.C. page 443 (Rasmoy Ghosh-Vrs-DVC) that it is well settled, in absence of the specific proof to the contrary the regularity of the official act must be presumed. The workmen have not produced any paper to show that the Agent had no authority to issue the chargesheet or that the General Manager had no authority to pass the order of dismissal. The Agent is the owner of the mine and as such he has the authority to take disciplinary action. The management has filed delegation of powers to the General Manager dated 17-1-79. It will appear that in item No. 17 of the said delegation of powers full powers were given to the General Manager to take disciplinary action including termination/removal from service in respect of the Wage Board employees working under him. Thus no room for doubt is left to show that the General Manager has the authority to dismiss a workman from service. The General Manager had the authority to pass the order of dismissal against the concerned workmen as per Ext. M-1 to M-11.

It has been submitted on behalf of the workmen that the dismissal order of the General Manager including Ext. M-1 to M-11 is not speaking order. It will appear from the dismissal orders Ext. M-1 to M-11 that the General Manager had received the finding of the enquiry officer in connection with the enquiry proceeding against the concerned workman and after perusing the same he agreed with the finding of the enquiry officer that the charges as levelled against the concerned workmen have been proved. The finding of the enquiry officer in the domestic enquiry became a part and parcel of the order of the General Manager as the General Manager had concurred after perusing the enquiry proceeding of the enquiry officer and as such it cannot be said that the order of the dismissal passed by the General Manager is not a speaking order. In view of the above I hold that the chargesheet against the concerned workmen issued by the Agent was with authority and that the General Manager had the authority to pass the order of dismissal against the concerned workmen. I further hold that the order of dismissal passed by the General Manager was a speaking order.

Point No. 3

It has been submitted on behalf of the workmen that in view of the acquittal of the concerned workmen in the criminal case they cannot be held guilty of the charges levelled against them in the domestic enquiry. Admittedly a criminal case was started against the concerned workmen in which they were convicted by the trial court but were finally acquitted by the appellate court. There are several decisions to the effect that acquittal of an employee in a criminal case cannot be used for the purpose of showing that the employees must be exonerated from the charges levelled against them in the domestic enquiry. The proceeding in the domestic enquiry is entirely different from the proceeding in a criminal trial. The enquiry officer was not bound to rely upon the criminal Court's judgement in the domestic enquiry. The judgement in the Criminal Appeal acquitting the concerned workmen was passed after the order of dismissal of the concerned workmen. I have already held that the domestic enquiry held against the concerned workmen was fair, proper and in accordance with the principles of natural justice. This Tribunal has

no jurisdiction to sit as if it were an appellate Court and in view of the proviso to Section 11A of the J.D. Act, it is not permissible for the Tribunal to take into account the evidence or judgement in the Criminal Court which was not a material available at the domestic enquiry. The learned Advocate appearing on behalf of the workmen has referred to a decision reported in 6 SCLJ page 3923 (U.P. State Electricity Board). The facts of the said case were quite different and the decision made therein was not in respect of the facts of the case involved in the present reference. Accordingly I hold that the order of dismissal passed against the concerned workmen cannot be set aside in view of their acquittal in the criminal case for the same occurrence.

Point No. 4

It is submitted on behalf of the workmen that the alleged incident of assault on the officers did not occur while the concerned workmen were on duty at the place of work as has been mentioned in para 17(i)(c) of the Model Standing Orders for Coal Industry. According to the workmen the occurrence did not take place at the place of work and therefore the provision of the Standing Order is not attracted. I have already stated above that the Standing Orders applicable to East Lohapatty colliery is the certified standing orders and not the Model Standing Orders and as such we have not to look into the provision of clause 17(i)(c) of the Model Standing Orders but we have to look to the provision of the Certified Standing Orders of East Lohapatty colliery contains in its Clause 18. The concerned workmen were charge-sheeted vide Ext. III marked by the Enquiry Officer under clause 18(i)(e), (u) and (t) of the Certified Standing Orders of Lohapatty colliery. Clause 18(i)(e) relates to the misconduct of drunkenness, fighting or riotous or disorderly or indecent behaviour at the premises of the mine. The word "at the premises of the mine" is relevant for our decision. There is no mention in clause 18(i)(e) regarding the place of work where the misconduct has to be committed and it only refers to the premises of the mine. Admittedly the occurrence took place in the residential colony of East Lohapatty colliery in front of the bungalow of the Manager of the Colliery. The residential colony including the Manager's bungalow in the residential colony of East Lohapatty colliery was within the premises of the mine and as such it cannot be said that the alleged occurrence did not take place within the ambit of the disciplinary jurisdiction of the employer. Several decisions have been cited by the learned Advocate appearing on behalf of the management to show that the misconduct taking place in the residential colony, staff quarters and bungalow of the Manager are within the premise of the mine. According to clause 18(i)(e) of the certified standing orders of the colliery assault and riotous behaviour when committed at the premises of the mines will be covered under the provisions of misconduct. Clause 18(i)(e) and (u) of the Certified Standing Orders under which the concerned workmen were charged do not specify that the misconduct therein should be committed at the work place. In view of the said provision of the Certified Standing Orders if the act of misconduct alleged against the concerned workmen was committed at the premises of the mine, the provisions of the standing orders are attracted and are within the disciplinary jurisdiction of the management.

To illustrate I would refer to some of the cases cited on behalf of the management in this connection. AIR 1961 S.C. page 1189 shows that an employee in drunken state had committed disorderly behaviour inside the colony in the dead of night in which the employee was dismissed. The Hon'ble Supreme upheld the said dismissal order. In the case reported in AIR 1965 Supreme Court page 155 the dismissed worker had waylaid and assaulted a superior officer on the way while returning from duty. The said incident did not take place at the work place but the Hon'ble Supreme Court upheld the order of dismissal as the act committed by the dismissed worker constituted misconduct. The case law cited by the learned Advocate appearing on behalf of the workmen namely Lab. I.C. 1983 page 909 will show that the act committed in that case was outside the premises and there was dispute of vacation and unauthorised occupation of land. The facts of the said case were entirely different as in the said case the misconduct were committed outside the premises and it took place in respect of dispute of vacation of unauthorised occupation of land. The decision in the said case cannot be a safe guide for the purpose of the present case. In

1978 LIC page 116 their Lordships in the Supreme Court went further and held that the alleged misconduct committed outside the premises but adjacent to the premises of the company was an act of misconduct.

In view of the above I hold that the acts alleged against the concerned workmen were within the ambit of the disciplinary jurisdiction of the employers.

Point No. 5

There was an elaborate examination and cross-examination of the management's witnesses before the Enquiry Officer. It is admitted by the concerned workmen that a mob had gone to the bungalow of the Manager at about 5 P.M. on 27-11-78. This will find support from the statement of the concerned workman Shri M. M. Prasad before the enquiry officer. According to the workmen the cause of the gathering of the said mob had some history of the past. According to the concerned workman Shri M. M. Prasad, Shri R. S. Yadav, Engineer had spread rumours that Shri M. M. Prasad used to take his wife in the night at the residence of the Colliery Manager and when Shri M. M. Pd. was told this fact by his wife at about 1.00 P.M. he went to the quarter of Shri Yadav and asked him as to why he was spreading such rumour whereupon there was some altercation. According to Shri M. M. Prasad Shri Yadav had assaulted Shri M. M. Prasad. Shri Yadav had assaulted Shri M. M. Prasad whereas according to Shri Yadav he was assaulted by Shri M. M. Prasad at that time. Therefore it appears that Shri M. M. Prasad became furious when he learnt about the allegation being made regarding the character of his wife. It will further appear from the evidence that the officers of the colliery wanted to get the matter settled amicably between Shri M. M. Prasad and Shri Yadav and it was decided that Shri Yadav and Shri M. M. Prasad should prepare a paper regarding the settlement of their dispute but it admittedly appears that Shri M. M. Prasad did not agree to enter into written settlement and he went to the office of the colliery where he was head clerk and told the incident regarding the spreading of rumour by Shri Yadav in respect of his wife and he along with some of the employees left the work and some other employees also joined them in the way and thus formed a mob which went to the bungalow of the Manager at about 4.45 P.M. on 27-11-78. Thus the fact that some of the concerned workmen along with the mob had gone to the bungalow of the Manager is admitted. It now remains if the concerned workmen had assaulted and committed misconduct as alleged in the charges levelled against them.

Before entering into the evidence regarding the occurrence I would like to refer another matter also which will show that the occurrence was not an individual act of Shri M. M. Prasad and Shri Yadav but it had taken shape of a wider act of the workmen of the colliery and the officers of the colliery. It has been admitted position in the evidence of witnesses and the statement of the concerned workmen that the relationship between the management and the staff particularly Shri M. M. Prasad was strained from October, 1978. It will appear from Ext. A-XV that on 25-11-78 a meeting of the union of the workers was held at the colliery office where a charter of demand was written by Shri M. M. Prasad and was handed over to the management. Item No. 51 of the demand in Ext. A-XV refers to the alleged ill behaviour of the Manager of the colliery and tense situation in the colliery. Thus it will appear that it was not only the individual difference between M. M. Prasad and Shri Yadav but the workmen in general had grievance against the colliery Manager. Shri M. M. Prasad, no doubt, was taking an active part because of the rumour alleged to have been spread by Shri Yadav but it cannot be said that it was the only reason for the assemblage of the mob. On the other hand it appears that the workmen were nurturing grievance against the colliery manager and had expressed their grievance in their demand in Ext. A-XV in the meeting of the union held on 25-11-78. In view of the above admitted salient facts it would appear that the alleged incident of riotous behaviour and assault was not over any private affair between the assailants and the officers of the colliery but it appears that Shri M. M. Prasad had aggravated the feelings of the workmen by introducing the incident regarding the spread of rumour by Shri Yadav about the character of the wife of Shri M. M. Prasad. and this hastened the process in expressing the feelings of the

workmen which they were nurturing against the colliery Manager.

I have gone into the statement of the witnesses examined on behalf of the management and have also gone into the statement of the concerned workmen and the evidence of their defence witnesses. There are 11 concerned workmen against whom charges were levelled and were dismissed from service. On reading of the evidence of the management witnesses and the statement of defence witnesses it will appear that the injury was seen on Shri A. K. Dutta, Manager, S. B. Mohanty, Medical Officer and Shri R. S. Yadav Engineer and that some of the defence witnesses had also learnt about the injury on their person. The injured officers namely Shri A. K. Dutta Manager, S. B. Mohanty, Medical Officer and Shri R. S. Yadav have been examined in this case. Besides them Shri S. K. Banerjee, Personnel Manager Area No. 2 was present at the alleged time of occurrence as also stated about the assault. Shri M. M. Prasad was seen by Shri A. K. Dutta assaulting Shri Yadav with lathi. Shri S. B. Mohanty also saw Shri R. S. Yadav being assaulted by the persons in the mob. Shri R. S. Yadav has stated that the concerned workman Shri M. M. Prasad, Shri D. K. Mukherjee, A. K. Pathak, Jagdish Prasad, Rajeswar Singh, Jogeswar Singh and R. N. Prasad assaulted him with lathi. Shri A. K. Dutta also stated that the concerned workman Shri M. M. Prasad, D. K. Mukherjee, A. K. Pathak, Jagdish Prasad, Rajeswar Singh, Yogendra Singh and R. N. Prasad assaulted Shri Yadav with lathi. Shri R. S. Yadav has stated that the concerned workman Ramnavami Singh assaulted him with iron rod and his evidence has been supported by Shri A. K. Dutta who had seen Ramnavami Singh assaulting Shri R. S. Yadav with 4' long iron rod. It will further appear from the evidence of Shri A. K. Dutta that he was assaulted by Shri Ramnavami Singh with iron rod on his head and that the concerned workman B. Charku Mahato, Rohan Mahato, Kali Roy assaulted Shri A. K. Dutta with lathi. Dr. S. B. Mohanty became unconscious and as such he was not able to say specifically about the concerned workman who had assaulted the different officers. Shri S. K. Banerjee stated that Ramnavami Singh assaulted Shri A. K. Dutta with iron rod and that Rajeswar Singh assaulted Shri A. K. Dutta with lathi and Manager (A. K. Dutta) fled to his bungalow being chased by Rajeswar Singh and Ramnavami Shri S. K. Banerjee further stated that he had seen and identified the concerned workman R. N. Prasad, Yogendra Singh, Charku Mahato, Rohan Mahato and Kali Roy also assaulting with lathi in the mob. Thus it will appear from the eye witnesses and the persons who had actually received injuries that all the concerned 11 persons who were in the mob had assaulted the three officers Shri A. K. Dutta, Manager, Dr. S. B. Mohanty, Medical Officer and Shri R. S. Yadav, Engineer. No doubt it appears that some specific concerned workmen had assaulted the three officers but that in itself is not of much importance. All the concerned workmen were members of the mob which had come determined with lathi and iron rod and had assaulted officers and as such it was the joint responsibility of all the concerned workmen who were identified and seen assaulting the officers. In this view of the matter I hold that all the 11 concerned workmen had taken part in the assault of Shri A. K. Dutta, S. B. Mohanty and R. S. Yadav.

Shri M. M. Prasad might have some individual grudge against Shri R. S. Yadav in connection with the alleged rumour by Shri Yadav against the character of his wife but so far Manager A. K. Dutta and Dr. S. B. Mohanty is concerned there was no individual dispute between any particular person. From the resolution of the union it was clear that the workmen were nurturing grievances against Shri A. K. Dutta, Manager and M. M. Prasad by inciting the workmen on the plea that his prestige was at a stake due to the spreading of the rumour regarding the character of his wife collected his workmen in a mob resulting in the assault of the three officers in front of the bungalow of the colliery Manager. There was absolutely no evidence against Shri Dr. S. B. Mohanty giving any cause to the workmen for the assault. It appears that the workmen were against the officers and as such they assaulted the officers who were present there. Even Shri S. K. Banerjee, Personnel Manager would have been assaulted if he had not been removed to the bungalow of the manager and closeted inside the room of the manager. In my opinion the occurrence of assault and riotous

behaviour of the concerned workmen at the premises of the mine under clause 18(i)(e) of the Certified Standing Orders of East Lohapatty Colliery has been established. It will also appear that the concerned workmen were preaching and inciting violence which led to the occurrence of assault of the officers as found above. As all the concerned workmen have been found to have taken active part in the assault of the officer and were inciting violence I do not think the charge of abetment or attempt at abetment of misconduct is the appropriate charge against the concerned workmen and as such I hold the charge under 18(u) to be redundant and not established. Considering the evidence I hold that the enquiry officer has correctly come to a conclusion that the charges under clause 18(i)(c) and (t) have been established against all the concerned workmen.

The enquiry officer has elaborately discussed the evidence and the documents placed before him and detailed discussions of it by me will only be a repetition of the same and as such I have avoided to repeat the same.

It has been submitted on behalf of the workmen that they were suspended by the management at the time the charge-sheet was served on them and that they were not paid subsistence allowance. No evidence was led on this fact before the enquiry officer. It will appear from para-4 of the W.S. of the workmen that when the concerned workmen submitted their explanation the management allowed the concerned workmen to resume duties. It will thus appear that the concerned workmen did not remain in suspension and they were allowed to resume duties and as such the grievances of the concerned workmen that they were not paid subsistence allowance during the enquiry proceeding appears to be quite baseless.

Point No. 6

From the evidence discussed and the finding arrived above it will appear that the concerned workman armed with lathi and iron rod had gone to the bungalow of the colliery Manager in a mob about 200 persons and had shown the strength of mob by assaulting the officers who were standing near the gate of the bungalow of the Manager. It appears that the concerned workmen along with mob had collected with an intention to assault the officers and to teach them a lesson by taking the law in their own hands. Such act of assault and riotous behaviour on the part of the concerned workmen is a very serious charge and cannot be taken lightly. In the above view of the matter I do not think that the dismissal of the concerned workmen from service under such circumstances was at all a severe punishment.

In the result, I hold that the action of the management of Lohapatty Colliery of M/s. BCCL in dismissing the concerned 11 workmen from service with effect from 15-11-82 is justified and consequent the concerned workmen are entitled to no relief.

This is my Award.

Sd/-

I. N. SINHA, Presiding Officer
[No. L-20012/5/87-D.III(A)]

नई दिल्ली 27 अप्रैल, 1989

का. प्र. 1154—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार, संसदे भारत कोरप कोल लिमिटेड का एरिया सं. 2 के ओपन कास्टर प्रोजेक्ट के प्रभावित क्षेत्र में सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच, प्रत्यक्ष में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण में 1 घनवाक के पत्राव को प्रकाशित करती है।

New Delhi, the 27th April, 1989

S.O. 1154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation

to the Area No. II Open Cast Project of M/s. Bharat Coking Coal Ltd. and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference Under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 98 of 1988.

PARTIES :

Employers in relation to the management of Area No. II Open Cast Project of M/s. B.C.C. Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri B. N. Prasad, Advocate.

For the Workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 27th February, 1989.

AWARD

The present reference arises out of Order No. L-24012 (253)/87-D.IV(B), dated, the 26th July, 1988 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

“Whether the demand of the Union that Sri S. K. Biswas should be regularised as Statistical Clerk Grade-I with retrospective effect by the Management of Area No. II Open Cast Project of M/s. B.C.C. Ltd., is justified ? If so, to what relief the workman concerned is entitled ?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Section 13 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer
[No. L-24012(253)/87-D.IV(B)/IP(Coal-I)].
K. J. DYVAPRASAD, Desk Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, AT DHANBAD

Reference No. 98/88

PARTIES :

Employers in relation to the management of Block-II O.C.P. of M/s. B.C.C. Ltd.,

AND

Their workmen.

JOINT COMPROMISE PETITION

The parties named above most respectfully submit as under :—

1. That the Central Government referred the above matter to this Hon'ble Tribunal for adjudication with the following terms of reference :—

1134 GI/89—9

“Whether the demand of the union that Shri S. K. Biswas should be regularised as Statistical Clerk in Grade-I with retrospective effect by the management of Block-II O.C.P. of M/s. Bharat Coking Coal Limited is justified ? If so, to what relief the concerned workmen is entitled ?”

2. That while the matter is pending before the Hon'ble Tribunal, the parties have mutually discussed and negotiated for arriving at an amicable settlement ;

3. That as a result of this negotiation, the parties have agreed to resolve the dispute on the following terms and conditions :—

TERMS AND CONDITION

(A) It is agreed that the workman namely Shri S. K. Biswas will be regularised as Junior Statistical Assistant in Tech. and Supervisory Grade 'D' with effect from 1-1-1988.

(B) It is further agreed that he will be given notional seniority in Tech. and Supervisory Grade 'D' with effect from 1-9-1986 without any arrears of wages i.e. for the period from 1-9-1986 to 31-12-87 he will not be paid any arrear of wages.

(C) It is further agreed that this settlement is full and final in respect of all claims arising out of the above dispute and the workman will have no further claim in this regard.

4. That the parties consider and confirm the above terms as fair, reasonable and advantageous to both of them.

Prayer :

The parties, therefore, most respectfully jointly pray that the Hon'ble Tribunal may be gracious enough to accept this settlement and to give the Award in terms thereof.

For the workmen :

- (S. K. Singh)
Area Secretary
B.C.C. Union
Block-II Area.
- (S. K. Biswas)
Workman concerned.

For the Employer :

- (G. Rai)
General Manager,
Block-II Area
- Sd/- Illegible
Dy. Personnel Manager,
Block-II Area.

Witnesses :

- (T. D. Mahato)
President,
B.C.C. Union,
Block-II Area Branch.
- (B. Ram)
Sr. Stenographer (H)
Block-II Area

Part of the Award

Sd/- Illegible,
27-2-89.

(B. N. Prasad)

Advocate

For the Employer.

नई दिल्ली, 1 मई, 1989

का. भा. 1155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैम्स भारत कॉकिंग कोल लिमिटेड का गोविन्दपुर क्षेत्रा 3 के प्रबन्धन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित और औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है।

New Delhi, the 1st May, 1989

S.O. 1155.—In pursuance of Section 17 of Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal as shown in the annexure in the industrial dispute between the employers in relation to the Management of Govindpur Area. III of M/s. Bharat Coking Coal Ltd. and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2) AT DHABAD
PRESENT :

Shri I.N. Sinha,
Presiding Officer.

Reference No. 29 of 1987

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of V.T.C. Centre, Govindpur Area No. III of M/s. Bharat Coking Coal Limited and their workman.

APPEARANCES :

On behalf of the Workmen.—Shri G. D. Pandey, Vice President, R. C. M. S. Union.

On behalf of the employers —Shri S.P. Singh, Personnel Manager.

SATE.—Bihar.

INDUSRY —Coal.

Dated, the 3rd April, 1989

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(252)86-D.III(A), dated the Nil.

SCHEDULE

“Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of V.T.C. Centre in Govindpur Area No. III of Messrs Bharat Coking Coal Limited, should give promotion to their workman, Shri Uma Shankar Mishra, Scientific Assistant, to Technical Grade-B with retrospective effect is justified? If so, to what relief is the said workman entitled?

In this case both the parties did not file their respective W.S. Thereafter the case was fixed for filing written statement by the parties. Subsequently both the parties appeared before me and filed a Petition of Compromise. I heard the parties on the said petition of compromise and I do find that the terms

contained therein are fair proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the Compromise petition which forms part of the Award as Annexure.

[No. L-20012(252)86-D.3(A)]IR(Coal)-1]

I. N. SINHA, Presiding Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NO. II, DHANABAD

Reference No 29/87

Employers in relation to the management of V.T.C. Centre in Govindpur Area No. III of M/s. B.C.C. Ltd;

AND

Their Workmen

PETITION OF COMPROMISE

The Humble petition on behalf of the parties to the above reference most respectfully sheweth:—

1. That the Central Govt. by notification No. L-20012(252)86-D.III(A) dated 15-1-1987 has been pleased to refer the present dispute on the following issues :—

THE SCHEDULE

“Whether the demand of the Rashtriya Colliery Mazdoors Sangh that the management of V.T.C. Centre in Govindpur Area No. III of M/s. Bharat Coking Coal Ltd. should give promotion to their workmen Shri Uma Shankar Mishra, Scientific Asstt. to Tech. Grade ‘B’ with retrospective effect is justified? If not to what relief is the said workman entitled?”.

2. That the parties have amicably settled the dispute on the following terms :—

TERMS OF SETTLEMENT

- (A) That the concerned workman Shri Uma Shankar Mishra will be promoted to Tech. Grade-‘B’ with effect from 15-1-1987 and his scale of pay in Gr. ‘B’ will be fixed on 15-1-87 taking into account his seniority and fixation from the date his juniors was promoted i.e. with effect from 14-8-1979.
- (B) That for the purpose of his seniority in Grade-‘B’ notional seniority will be given to him retrospectively with effect from 14-8-79 from the date when his juniors were promoted.
- (C) That the concerned workman will not claim any back wages by way of difference of wages for the prior period.
- (F) That in view of the settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon’ble Tribunal will be graciously pleased to

accept the settlement as fair and proper and be pleased to pass the Award in terms of settlement.

FOR THE EMPLOYERS

K. KUMAR

GENERAL MANAGER

S. P. SINGH PERSONNEL MANAGER

FOR THE WORKMEN UNION

G. D. PENDEY,
VICE PRESIDENT

RASHTRIYA COLLIERY MAZDOOR SANGH.

Witnesses :—

- 1.
- 2.
- 3.

नई दिल्ली, 26 अप्रैल, 1989

का. अ. 1156-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का प्रा. 17 के अन्वयेण में, केन्द्रीय सरकार सिन्डिकेट बैंक में प्रमुखता के संयुक्त निरोधकों और उनके कर्मचारियों के बीच, अन्वयेण में सिन्डिकेट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, चण्डीगढ़ के पंचदल का प्रावधान का प्रयोग है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 26th April, 1989

S.O. 1156.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the Syndicate Bank and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDENT OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CHAND-LABOUR COURT, CHANDIGARH

Case No. I. D. 86/87

PARTIES :

Employers in relation to the management of Syndicate Bank.

AND

Their workmen

APPEARANCES :

For the workmen—Shri M. L. Basoor.

For the management—Shri Gopal Malajan.

INDUSTRY : Banking

AWARD

Dated, the 20th March, 1989

On a dispute raised by workmen of Syndicate Bank Central Government was pleased to make the following reference vide No. 1-12012/51/87-D-II (A) dated 7-9-1987 to this Tribunal :

"Whether the action of the Syndicate Bank, Zonal Office, Delhi in denying 6 days joining time on transfer on request to S/Shri I. P. Manchanda.

Clerk, Arun Kumar Bhanot, Clerk, and R. K. Gupta, Spl. Assistant at their Branch at Ambala Cantt, Shimla and Panchkula respectively was legal and justified? If not, to what relief is the concerned workmen entitled and from what date?"

2. Case of the workmen is that respective of the fact that they had been transferred on their requests they are entitled to 6 days joining time and the bank management had erred in curtailing their joining time giving actual travelling time. It is contended that joining time permissible to the workman is governed by Bank Circular No. 270/69/DC/STF/32 dated 24-10-1969 which make no discrimination in the extent of joining time permissible in case of transfer on request or transfer of an employee otherwise. Workmen I. P. Manchanda, Arun Kumar Bhanot and R. K. Gupta on transfer to Ambala Cantt, Shimla and Panchkula respectively were declined joining time of 6 days on the short ground that they had been transferred on their own request. They were allowed one day joining time and aggrieved with the same they represented to their Union which took up their matter resulting in the present reference. Workmen had pointed out that management itself allowed usual joining time of 3 days to some of the bank employees viz. Mrs. Neeraj Sood and Rajesh Kumar Mattoo who had also been transferred on their own requests, but the management discriminated in the case of the present workmen by allowing them only one day joining time.

3. In its answer filed, management took plea that employees are entitled to transfer allowance and joining time only in case where transfers are effected at the instance of the management and in case of transfer on request, they are given one day joining time as per prevailing practice. It is pleaded that Bank Circular No. 270/69/DC/STF/32 dated 24-10-1969 is applicable only to the employees mentioned under the category of Transfer and it does not cover employees who are transferred on their own request. It is however admitted that Smt. Niraj Sood and Rajesh Kumar Mattoo who had been transferred on their requests and were initially allowed one day joining time, had been on their representation given 3 days joining time on compassionate ground.

4. Parties were allowed opportunity to lead evidence, Shri M. R. Garg, Chairman, Syndicate Bank Employees Union Ludhiana appeared on behalf of the workmen and tendered his affidavit Ex. W-1 reiterating allegations made in the statement of claim. In rebuttal the management tendered affidavit Ex. M-1 of Shri K. G. Gadiyar Manager Industrial Relation Syndicate Bank Zonal Office Delhi who appearing as MW-1 also tendered representations Ex. M-2 to M-4 of I. P. Manchanda, Arun Kumar Bhanot and R. K. Gupta respectively requesting the management for their transfer. He also placed on file copy Ex. M-5 of the Bank Circular No. 270/69/DC/STF/32 dated 24-10-1969; copy Ex. M-6 of office letter from Dy. Personnel Manager to Asst. General Manager, Regional Office, Delhi informing that one day joining time need be granted when an employee is transferred on request. He has placed on file copies Ex. M-7 and M-8 letters received by Syndicate Bank from Union Bank of India and Bank of India informing the Syndicate Bank that they are not allowing any joining time to the award staff employees who are transferred on their own request. He also transferred copy Ex. M-9 of representation submitted by one of the present workman seeking three days joining time against one day joining time allowed to him.

5. I.d. counsel for the workman has argued that the perusal of the Sastri Award and the Bank Circular (copy Ex. M-5) do not suffer from any ambiguity in regard to the extent of joining time permissible to the employees of the Syndicate Bank and yet management of the Bank had been persisting the policy of discrimination and pick and choose in the matter of grant of joining time in as such as the employee similarly placed had been given varied joining time on transfer. In this respect he has drawn my attention to the statement of Shri K. G. Gadiyar who has admitted that Mrs. Niraj Sood and Rajesh Kumar Mattoo who had also been transferred on their request had been granted 3 days joining time. It is worthwhile to reproduce para 18-A of the Bank circular No. 270/69/DC/STF/32 dated 24-10-1969.

"Joining time and transfer"

ANNEXURE

- (a) joining time may be allowed to a married employee up to 6 days and for an unmarried employee upto 3 days executive of the number of days spent.....

employee on transfer on their own request shall be entitled to lesser joining time or no joining time. It is interesting to note that Syndicate Bank is allowing its officers 6 days joining time irrespective of the fact whether transfer is on the request or otherwise. It is a case of unreasonable discrimination between officers and the other employees. The employees also need some time to make necessary arrangements of shifting from one station to another. It can not be accepted that officers need time for making arrangement of shifting and employees do not need any such time. It seems to be a case of unfair practice adopted by the Bank in allowing joining time to the officers and disallowing the same to other employees.

6. The Id. counsel for the management has stressed that when no transfer allowance is generally permissible in respect of transfer on request, the Bank management is within its right to lay down lesser joining time or actual travelling time for employees transferred on request. In support of his arguments he has drawn my attention to the provisions of para 4 under the head: 'Travelling allowance and joining time' of the said circular dated 24-10-1969 (copy Ex. M5) which lays down that travelling allowance can not be claimed by the employee of the Bank on transfer from one station to another if he has been transferred at his own request. Non payment of T.A. in case of transfer on his own request in no way debar an employee from entitlement of joining time. While in case of travelling allowance it has been specified in the said circular that T.A. is not permissible to an employee on transfer at his own request, but no such exception has been made in para No. 12 governing joining time on transfer if joining time is not be allowed where the transfer is on request. The Bank circular is all embracing covering all type of transfers.

7. The reference is returned with the findings that since non officer employees of the syndicate Bank are entitled to joining time as permissible in para 12 under the Head 'travelling allowance and joining time' in circular No. 270/69/BC/STF/32 dated 24-10-1969 (Ex. M5) irrespective of the fact whether transfer is on request or otherwise act of the management of Syndicate Bank Zonal Office New Delhi in denying 6 days joining time to I. P. Manchanda Clerk, Arun Kumar Bhanot, Clerk, and R. K. Gupta Spl. Assistant on transfer on request was illegal and unjustified and the said employees are entitled to avail 6 days joining time within six months of the publication of the Award.

Chandigarh.

20-3-1989.

M. S. NAGRA, Presiding Officer
[No. L-12012/51/87-D.II(A)]

का. आ. 1157-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेट्टल बैंक आफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचदश को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 1157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government.

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR

IN THE MATTER OF DISPUTE BETWEEN .

Industrial Dispute No. 172 of 1988

Shri Subhash Chandra Sharma,
C/o Shri A. K. Kulshreshtha,
6-P & T. Colony,
Agra.

PETITION

AND

Regional Manager,
Central Bank of India,
1271 Bhairan Bazar,
Belanganj,
Agra.

OPP. PARTY.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-12012/355/88-D.II(A) dt. 29-11-88 has referred the following dispute for adjudication to this Tribunal;

Whether the action of the management of Central Bank of India for terminating the services of Shri S. C. Sharma and not considering him for further employment while recruiting fresh hands under section 25H of the I. D. Act, is justified? If not to what relief is the workman entitled?

2. In the present case notice to the workman concerned fixing 12-1-1989, for filing statement of claim was sent on 7-12-1988. On 12-1-1989, neither the workman nor any one on his behalf attended the Tribunal and no claim statement was filed on his behalf. Again the case was adjourned to 16-2-89 for filing claim statement but on 16-2-89 also none appeared from the side of the workman nor any claim statement was filed.

3. In the circumstances it appears that the workman concerned is not interested in contesting the case. As such a no claim award is given in the case.

ARIAN DEV, Presiding Officer.
[No. L-12012/355/88-D.II(B)]

नई दिल्ली, 28 अप्रैल, 1989

का. आ. 1158-औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, पंचदश को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 28th April, 1989

S.O. 1158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh and shown in the Annexure in the industrial dispute between the employers in relation to the Bank of India and their workmen, which was received by the Central Government on the 19-4-1989.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I.D. 17/88

PARTIES :

Employers in relation to the Management of Bank of Baroda.

AND

Their workman : Ronak Singh.

APPEARANCES :

For the Workman—None

For the Management—None.

INDUSTRY : Banking.

AWARD

Dated : 9-3-89

On a dispute raised by workman of Bank of Broda Central Govt. had been pleaded to make the following reference Vide No. L-12012/140/87-D.II(A) dated 18th March 1988, to this Tribunal :—

“Whether the action of the management of Bank of Baroda in not restoring Telex Operator Allowance to Shri Ronak Singh w.e.f. 23-3-86 is justified. If not, to what relief the concerned workman is entitled?”

2. None has put up appearance on behalf of the workman & Management. Workman was represented on the last date in person & Management was represented on the last date by Shri Dharam Singh when the proceedings were adjourned from 9-2-89 for today i.e. 9-3-1989 Reference proceedings are therefore, filed for want of prosecution. Central Govt. be informed accordingly.

Chandigarh

M. S. NAGRA, Presiding Officer
[No. L-12012/140/87-D.IV(A)]

का. आ. 1159 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन से संबंधित विवादों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचार को प्रभावित करती है, जो केन्द्रीय सरकार को 19-4-89 को प्राप्त हुआ था।

S.O. 1159.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the Union Bank of India and their workmen, which was received by the Central Government on the 19-4-89

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 52/86

PARTIES :

Employers in relation to the management of Union Bank of India.

AND

Their Workmen : Karam Singh and Makhan Singh.

APPEARANCES :

For the Workmen—Shri Natha Singh.

For the Employers—Shri Gopal Mahajan.

AWARD

Dated 30-3-89.

On a dispute raised by Karam Singh and Makhan Singh against the Union Bank of India, Central Govt. had vide No. L-12012/214/85-D.II(A) dated 24th July, 1986 referred the following dispute to this Tribunal for decision :—

“Whether the action of the management of Union Bank of India in terminating the employment of S/Shri Karam Singh and Makhan Singh w.e.f. 25-5-1985 is justified? If not, what relief are these workmen concerned entitled?”

2. Case of the petitioners as set out in the statement of claim is that they joined the services of the Union Bank of India as bank guard/gunman on 12th July 1984 at salary of Rs. 450/- p.m. Bank management however illegally terminated their services on 25-5-1985. The petitioner have sought their reinstatement back in service with full back wages.

The respdt. Bank in its reply took preliminary objection that there is no relation of employer and employee between the claimants S/Shri Karam Singh and Makhan Singh and the Union Bank of India. It is pleaded that claimants were engaged by the Punjab Police department through senior Superintendent of Police Gurdaspur in pursuance of minutes of meeting held on 27-3-1984 circulated vide letter dated 28-3-1984 by the Inspector General of Police CID Punjab. The claimants had been working under the discipline and control of the District Senior Superintendent of Police and were amenable to the same penalty as an ordinary police personnel. Bank has taken objection that petitioners are not a “workman” within meaning and the expression as envisaged under the provisions of the I.D. Act, 1947 and as such present reference for reinstatement is not competent. It is pleaded that services of Special Police Officers were made available by the police authorities in terms of Police Act to maintain security in Banks owing to law and order situation in Punjab State.

3. Parties were allowed opportunity to lead evidence. Management placed on file Ex. M1 affidavit of P. K. Sodhi, Branch Manager, Union Bank of India, Zaffarwal Branch and tendered documents Ex. M2 to M10. He solemnly affirmed that petitioners Karam Singh and Makhan Singh were posted as armed guard/S.P.O. for Zaffarwal Branch of the Bank by order dated 11-1-1984 of District Superintendent of Police Gurdaspur. The petitioners alongwith others were engaged by the Punjab police department in pursuance of minutes of meeting held on 27-3-1984 circulated vide letter dated 28-3-1984 by Inspector General of Police, C.I.D. Punjab. In pursuance of the said circular dated 28-3-1984 petitioners had been working under the full control of the Punjab Police and were emenable to the same penalty as an ordinary police personnel. The petitioners were issued arms and ammunition by the police station Dhariwal to perform their duties as armed guard/SPO under the directions and control of district police. However they were paid honorarium at the rate of 15 per day on daily basis. It is stated that arm and ammunitions issued by the district police authorities of the petitioners were withdrawn through Chaman Lal, ASI Police Station, Dhariwal confirmation of which was made by Branch Manager vide letter dated 23-5-1985 and thereafter one Ram Singh was posted in place of petitioners by orders of SSP conveyed through D.S.P. vide letter dated 15-1-1986. It is stated further that appointment of the petitioner as well as that of Ram Singh was only a stop-gap arrangement till the Bank made its own arrangement under the Banking Regulations. During cross-examination Shri P. K. Sodhi admitted that bank had paid honorarium to the petitioner @ 15/- per day including the weekly rests of Sunday. He made statement that guards were withdrawn by the police on 23-5-1985.

In rebuttal petitioner filed affidavits Ex. W1 of Makhan Singh and Karam Singh to the effect that they were appointed on 12-7-84 at a salary of Rs. 450 per month as gunman by the Bank and their services were illegally terminated on 25-5-1985 without any retrenchment compensation and one month notice pay. It is also mentioned that Bank authorities have recruited Uggagar Singh and Ram Singh after coasting the petitioner from service. Makhan Singh petitioner appearing as WW1 made statement that after termination of his services, Bank had employed Uggagar Singh and Ram Singh after 3/5 days respectively. During his cross-examination he admitted that neither he applied to the Bank for any appointment nor he was issued any appointment letter. He made statement that he was called to the police station and taken to the office of D.S.P., Gurdaspur where Bank Officers were present to tell their requirement. He was given gun on the surety of the Bank but he can not say if it belongs to the police or the Bank. He admitted that during the course of his employment he was asked by the police to bring certificate from the Bank authorities if his work is a satisfactory.

4. The evidence to the file shows that I.G. Police, C.I.D. Punjab had through its letter dated 28-3-1984 (copy Ex. M3 forwarded a note containing minutes of the meeting held by Bank Officers with Adviser to Governor Punjab calling upon Superintendent of Police

Punjab to obtain from Banks requirement of police guards to be appointed as SPOs (Special Police Officers at important branches and to sanction additional requirement of force for this purpose and to be paid for by the Bank for which sanction to be obtained from the Govt. on top priority basis. Perusal of the minutes sent alongwith said letter shows that it was stipulated in the meeting of Bank Officers with the Adviser to Governor, Punjab that manager of each branch will arrange to pay to each S.P.O. honorarium @ Rs. 15 per day and the disbursement of honorarium will be done through the police officer to be designated by the SSP. It will be worthwhile to reproduce column (iv) of para 3 of the minutes accompanying the said letter dated 28-3-1984 (copy Ex. M3) which reads as follows :—

“It will be made plain to all individual employed on this duty that they are not regular employees of the bank and should not, therefore, harbour in their minds any claim for permanent employment or other concessions which are available to Bank employees. However as and when a Bank Security force is raised, they will be given preference in the matter of recruitment provided they are found fit otherwise and their performance has been upto the mark during this period. Employment as SPO is not a regular government service. It is only an ad hoc arrangement which has been provided in the police Act to tide over a difficult law and order situation and the money proposed to be paid to them is not a salary but actually an honorarium for meeting their out of pocket expenses etc.”

Through letter dated 17-5-1984 (copy Ex. M8) Regional Manager of the Bank informed S.S.P., Gurdapur that apropos discussion with Adviser of Governor of Punjab on 27-3-1984 it is reiterated that SPOs shall not claim appointment in the bank as a matter of right for their continued posting for more than 90 days and Bank shall make payment of salary directly to the department for onward disbursement to the SPOs. Regional Manager through separate letter dated 17-5-1984 (copy Ex. M9) informed. Inspector General of Police, C.I.D. Punjab about the districtwise requirement of posting of 39 SPOs at different branches, Management have placed on file an attested photos at copy Ex. M4 of letter No. 280-84 DGP dated 11-7-1984 ordering appointment of 61 gunman and issuance of arms and ammunition to them. The names of Karam Singh and Makhan Singh petitioners appear at serial No. 40 and 41 of the said letter. Management has also placed on file Copies Ex. M4 of letter dated 23-9-1986 from District Sainik Welfare Officer to Regional Manager, Union Bank of India making recommendations for the posting of regular armed guards, copy Ex. M5 of letter confirming return of rifle and ammunition by the Bank authorities to ASI Chaman Lal of Police Station, Dhariwal on 23-5-1987. Management has also placed on file Ex. M11 copy of letter sent by Karam Singh and Makhan Singh to SEO Dhariwal District Gurdaspur offering their explanation for late reporting at the Bank Branches for guard duty. The

management has tendered copy Ex. M7 of order dated 14-1-1986 from to SSP Gurdaspur appointing Ram Singh as SPO at honorarium of Rs. 15 per day, copy Ex. M6 of letter dated 15-1-1986 from DSP to Bank authorities informing them about posting of fresh SPOs. Management had also tendered copy Ex. M10 of Staff circular No. 2018 dated 16-11-1978 laying conditions of appointment of Sub staff in different branches/offices.

The evidence on the file shows that District Superintendent of police Gurdaspur through his order dated 11-7-1984 (copy Ex. M2) had posted as many as 61 SPOs at different branches of various banks within district of Gurdaspur. Karam Singh and Makhan Singh whose names appear at Serial No. 40 and 41 respectively in the said order of appointment were posted at Union Bank of India branch Zaffarwal. However, they were paid honorarium @ Rs. 15 per day by the bank authorities. The petitioners had offered their explanation of late attendance, to Station House Officer, Dhariwal as evident from letter Ex. M11. Their services were dispensed with on 23rd May 1985. The bank authorities returned the arms/ammunition back to the police authorities. The police authorities posted fresh S.P.Os Ram Singh and others at evident from letter dated 14-6-84 of Senior Supdt. of Police, Gurdaspur, and letter dated 15-1-1986 of D.S.P. Gurdaspur (Copy Ex. M6). The present petitioners along with many others had been posted in pursuance of decision taken by police authorities at State level in a conference held with bank officers on 27-3-84.

It is simple case where in light of deteriorating law and order situation in Public State it had been thought fit by the police provide S.P.Os at vulnerable bank branches but their honorarium was to be paid by bank branches so guarded. The petitioners contend that they were employees of the bank. The bank management has taken a stand that petitioner's were only adhoc employees of the police deptt. of the State. In support of his contention that petitioners are employees of the State Police Learned counsel for the management referred me to various provisions of the Police Act, 1952 which envisages appointment of S.P.Os (Special police officer) at cost of individual. In this respect he had drawn my attention to section 13 of the Police Act which provides that the Distt. Supdt. of Police and officers senior to him may on the application of any person, depute any number of police officers at the charge of the person making application but the said force shall be exclusive under the orders of the Distt. Supdt. of Police. He has further referred me to Section 17 of the Police Act which provides for appointment of S.P.Os. Section 18 of the Act provides that S.P.Os so appointed shall be amenable to the same penalty and be subordinate to the same authority as the ordinary officer of police. There is over-whelming evidence on the file to show that present petitioners were appointed as S.P.Os. by Police authorities but since they were deputed to guard Bank the Bank management had agreed to pay honorarium @ Rs. 15 per day to the S.P.Os so posted. Admittedly present petitioners never applied to the bank authorities for their appointment and no letter of appointment was issued to them. The S.P.Os including the petitioners had been given

arms and ammunition by police authorities which were returned back to the police department when services of the petitioners were dispensed with. It is also in evidence that after dispensing with the services of the petitioners the police had posted fresh S.P.Os. at Jaffarwal branch of the Union Bank of India. The petitioners were adhoc employees of police deptt. and not employees of the Union Bank of India. There is no question of termination of their service by the Bank. The reference is therefore returned with the findings that neither petitioners had been employed by the Union Bank of India nor their services were terminated by the said bank and they are not entitled to any relief whatsoever.

Chandigarh.

M. S. NAGRA, Presiding Officer

[No. L-12012/214/85-B.II(A)]

का. रा. 1169.—औद्योगिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 17 के अन्वयेण में, केन्द्रीय सरकार यहाँ के प्रकरणों के संबंध विवादों और उनके कार्यवाही के बीच, अन्वयेण में विवाद औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, 1947 के अन्वयेण में प्रत्येक का प्राधिकार का है, जो केन्द्रीय सरकार की 19-4-89 को प्रस्तावित था।

S.O. 1160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the UCO Bank and their workmen, which was received by the Central Government on the 19th April, 1989.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 18/89

PARTIES :

Employers in relation to the Management of UCO Bank

AND

Their Workmen : Sukhdeo Singh

APPEARANCE:

For the Workmen.—None

For the Management : Shri K. K. Goyal.

INDUSTRY : Banking.

AWARD

Dated : 16-3-1989

On a dispute raised by Workmen of Uco Bank, Central Govt. had been pleaded to make the following reference vide No. L-12012/621/87-D.II(A) dated 22nd March, 1988 to this Tribunal.

"Whether the action of the management of UCO Bank in terminating the services of Shri Sukhdeo Singh, Gunmen, Burani Kalal Branch, with effect 25-9-86 is justified? If not, to what relief is the workmen entitled?"

2. None has put up appearance on behalf of the workman was represented on the last date by Shri O. P. Mehta when the proceedings were adjourn from 6-2-1989 for today i.e. 16-3-1989 Reference proceedings are therefore, filed for want of prosecution. Central Govt. be informed accordingly.

Chandigarh.

16-3-1989.

M. S. NAGRA, Presiding Officer
[No. L-12012/621/87-D.II(A)]

नई दिल्ली, 1 मई, 1989

का. आ 1161.—औद्योगिक विवाद अधिनियम, 1947 (1947 14 की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनिऑन बैंक ऑफ इंडिया के प्रबन्ध तंत्र के मध्य निगोशकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, नई दिल्ली के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 1st May, 1989

S.O. 1161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the Union Bank of India and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SHRI G. S. KALRA : PRESIDING
OFFICER : CENTRAL GOVT. INDUSTRIAL
TRIBUNAL : NEW DELHI

I.D. 29/87

In the matter of dispute between :

Shri M. L. Gupta, Through Assistant General
Secretary, N.C.B.E., 91 Sarai Nazar Ali,
Ghaziabad.

VERSUS

The Regional Manager, Union Bank of India,
Regional Office, 26-28-D, Connaught Place,
New Delhi.

APPEARANCES :

Shri Tara Chand Gupta for the workman.

Shri L. S. Puri for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/218/86-D. II(A) dated 16th April, 1987 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Union Bank of India is not paying salary and allowance to Shri M. L. Gupta for the period 10-12-74 to 24-10-75 i.e. the period of dismissal to reinstatement in terms of order dated 24-10-75 is justified ? If not, to what relief is the workman entitled ?"

2. Shri M. L. Gupta was appointed in the clerical cadre of the Union Bank of India (hereinafter re-

ferred to as the Management). While posted at the Patel Nagar Branch of the Management a charge sheet dated 28-11-1973 was issued to him. A departmental enquiry was held against him and the Enquiry Officer found the charges proved against him and proposed the punishment of dismissal from service, vide letter dated 30-5-1974. After giving him a personal hearing the punishment was confirmed and the workman was dismissed from service w.e.f. 10-12-74. The workman filed an appeal before the Managing Director who recorded order dated 30-5-75 to the effect that the punishment of dismissal imposed upon the workman had been confirmed by him while working as Dy. General Manager and he did not consider it proper to hear the appeal and accordingly constituted an appellate body consisting of the Dy. General Manager Administration Mr. Limji C. Mistri and the Assistant General Manager, West Division-I, Mr. O. K. Gopalan and empowered it to deal with and dispose of the appeal preferred by the workman. The said appellate body disposed of the appeal vide its order dated 7-7-1975, the operational part of which is reproduced below :—

"We are, however, of the opinion that the punishment of dismissal imposed on him by the Enquiry Officer, looking to the gravity of misconducts committed by him, is a bit harsh. We, therefore, set aside the punishment of dismissal, imposed as Mr. M. L. Gupta. Further, we hereby impose on Mr. M. L. Gupta the punishment of permanently stopping his next three annual increments with the effect of postponing all his future increment by 3 years."

The decisions of the appellate body was communicated to the workman vide letter dated 24-10-75 which reads as under :

"HEAD OFFICE : 66/80 BOMBAY SAMACHAR MARG, PORT, BOMBAY-1.

RO(N) : STF : 6493 24th October, 1975

MEMORANDUM

Mr. Mithan Lal Gupta is advised to receive the Original copy of the Order No. MDO : PD : 1845 dated 7-7-1975 passed by the Deputy General Manager and by the Assistant General Manager as the appellate authority in deciding the appeal preferred by Mr. Gupta against the order of his dismissal from the service of the Bank. Mr. Gupta shall sets that is terms of the order passed by the Deputy General Manager and the Assistant General Manager, as aforesaid, the punishment of dismissal imposed upon Mr. Gupta stands set aside and instead the punishment, of permanently stopping his next three annual increments with the effect of postponing all his future increments by 3 years, is imposed.

Mr. Gupta is accordingly reinstated in the service of the Bank and is advised to report to the Staff Department in this office for duty/further instructions.

Sd/-
REGIONAL MANAGER (N)"

3. After being reinstated in service, the workman made an application dated 2-12-75 requesting that his salary for the period 10-12-74 to 23-10-1975 i.e. the period between dismissal and reinstatement, which had not been paid to him, may be arranged to be paid. Thereafter the workman was informed vide letter dated 2-6-1976 by the Management as under :

"Our Ref. RO(N) : STF - 2540

Your Ref. Date June 2, 1976

Subject : Salary for the period from 10th December, 1974 to 23rd October, 1975.

This has reference to the representation dated 17th May, 1976, submitted by Mr. Mithan Lal Gupta.

Mr. Gupta is informed that the period from 10th December, 1974 to 23rd October, 1975, has been treated as leave on loss of pay and allowance with continuity of service.

Sd/-
(Ambe Prashad)
Regional Manager (N)"

The workman then filed an application being LCA No. 75/84 under section 33C(2) of the I. D. Act claiming his wages for the period from 10-12-74 to 23-10-75, which was dismissed by my Id. predecessor Shri O. P. Singla vide his order dated 27-12-84. Para 8 of the said order reads as under :

"8. Under the circumstances aforesaid, this Labour Court exercising powers under section 33-C(2) of the I. D. Act cannot upset the orders of the Appellate Authority allowing the workman no wages for the period between the date of dismissal and the date of reinstatement because the Appellate Authority has such power and the interference with such powers exercised by the Management can only be under reference under section 10 of the I.D. Act, 47 and not in an application under section 33-C(2) of the I. D. Act, 47."

Thereafter the workman raised industrial dispute before Assistant Labour Commissioner (C), New Delhi which was taken up on his behalf by the National Confederation of Bank Employees. But the conciliation proceedings ended in failure, that is how this reference is before this Tribunal.

4. The workman has challenged the action of the Management in not paying him the salary and allowances for the period 10-12-74 to 23-10-75 on the following grounds :

"(a) Because neither in the orders of the Appellate Body dated 7-7-1975 nor in the Memorandum dated 24-10-75 of the Regional Manager dated 24-10-75 under which the order of the Appellate Body was conveyed to Shri M. L. Gupta, there was any order to the effect that Shri Gupta would not be paid his pay and allowances for the period from the date of his dismissal to the date of his reinstatement.

(b) Because even in the letter of the Regional Manager dated 2-6-76, which was communicated to Shri M. L. Gupta after his retirement of service, there was neither any reference to any order of the Appellate Body, nor was any such order of the Appellate Body given to Shri Gupta alongwith the said letter dated 2-6-76 to the effect that Shri Gupta was not to be paid any pay and advances for the period from the date of his dismissal to the date of his reinstatement.

(c) Because even supposing without admitting that the Appellate Body had passed any such order which, of course, was never communicated to Shri M. L. Gupta, there was no provision in any award or bipartite settlement, governing the service conditions of the workman under which the pay and allowances of the workman from the date of his dismissal to the date of his reinstatement could be withheld even after the order of dismissal was set aside in appeal.

(d) Because once the order of dismissal of the workman was set aside, the dismissal order became non est and the workman was deemed to have been restored to the position existing immediately before the date of dismissal and he would be deemed to have been continuing in service from such date and was accordingly entitled to his full pay and allowances from the date of dismissal till the date of his reinstatement.

(e) Because the order contained in the Regional Manager's letter dated 2-6-76 "that the period from 10th December, 1974 to 23rd October, 1975 has been treated as leave on loss of pay and allowances with continuity of service." was wholly unjustified, arbitrary, without the authority of law and without jurisdiction and in violation of the principle of natural justice as well."

5. The Management has justified its action as being in accordance with the provisions of law. It submitted that the Appellate Body vide its order dated 7-7-75 had affirmed that the charges against the workman stood fully established and the said body only modified the quantum of punishment. In view of this the order of the Management that the period from the date of dismissal to the date of reinstatement be treated as leave on loss of pay and allowances with continuity of service is fully justified. It was further stated that the order dated 2-6-76 communicated to the workman concerned by the Regional Manager was in fact the order of the Appellate Body which was conveyed by the Regional Manager. It was further submitted that a finding on this point has already been conclusively given by my predecessor Shri O. P. Singla in LCA No. 75/84 and, therefore, the workman is estopped to raise this point in the present proceedings.

6. The Management examined MW1 Shri Gursharan Singh, Chief Manager Personnel in support of its case. Since the information extracted from him in cross-examination is revealing and material for the

resolution of the present controversy, his entire statement is reproduced below :

“MW1 Shri Gursharan Singh, Chief Manager Personnel, Union Bank of India, Zonal Office North Zone, New Delhi. On S.A.

I do not recollect whether the workman was suspended pending enquiry or not without looking at the record. It is correct that earlier an order of dismissal was passed against the workman and on appeal the dismissal was set aside and the punishment was reduced to stoppage of three increments with cumulative effect. The Appellate Authority did not pass any other order. After the order of the Appellate Authority the workman was reinstated in service. It is correct that the Appellate Authority had not passed any orders that the period from 10-12-1974 to 23-10-75 was to be treated as leave with loss of allowance with continuity of service. Volunteered the workman had made a representation for payment of salary for this period which was sent to the Central Office and the Central Office took a decision that it was to be treated as leave on loss of pay and allowance. We have not placed on record any such order passed by the Central Office.

RO&AC
23-5-1988.

P.O.”

7. It may be noticed that neither in the operative order of Appellate Body dated 7-7-75 nor in the memorandum dated 24-10-75 which have been reproduced above, there is any order to the effect that the workman would not be paid his pay and allowances for the period from the date of his dismissal to the date of his reinstatement. Even in the letter dated 2-6-76 reproduced above, there was not reference to any such order of the Appellate Body, nor any such order of the Appellate Body was annexed to that letter dated 2-6-76 on its very face shows that it was issued by the Regional Manager himself and not under instructions of the Appellate Body. Though in the written statement and in the affidavit of MW1 Shri Gursharan Singh the Management has taken up the position that it was decision of the Appellate Body, yet MW1 Gursharan Singh in his cross-examination has stated that the Appellate Body had not passed any orders that the period from 10-12-74 to 23-10-75 was to be treated as leave with loss of pay and allowances with continuity of service. He further stated that Appellate Body did not pass any other order besides the order dated 7-7-75. It is, therefore, manifest that the Appellate Body had not passed any such order and any such order that no wages were to be paid to the workman for the period between dismissal and reinstatement and the decision was only of the Management in its administrative capacity. The Management has laid great stress on the finding of the Labour Court in order dated 27-12-84 in ICA No. 75/84 wherein it was held that the letter dated 17-1-76 was from the personal department communicating that in the case of the workman the period 10-12-74 to 23-10-75 may be treated as leave on loss of pay and

allowances with continuity of service was not an administrative Order and was in fact a decision of the Appellate Authority. With respect I am not inclined to agree with this finding of the Labour Court because it is factually wrong. The letter dated 17-1-1976 which has been held to be a decision of the Appellate Authority by the Labour Court is extracted from the order dated 27-12-84 and is reproduced below :—

UNION BANK OF INDIA

From Department of Personal Central Office
To The Regional Manager, Regional Office (N),
New Delhi.

Our Ref. : PD : 124 : IR

Your Ref. : Dated 17th January, 1976
Subject : Mr. M. L. Gupta, Head Cashier.

Kindly refer to your letter No. RO(N) : STR :
1306 : 75/V dated 6th December, 1975 on
the above subject.

We have to advise you that in Mr. Gupta's case the period from 10th December, 1974 to 23rd October, 1975 may be treated as leave on loss of pay and allowances with continuity of service.

Kindly advise compliance.

Sd/-
Asstt. Superintendent.”

There is not a word in this letter that the decision being communicated had been taken by the Appellate Authority. The Id. Labour Court decided to ignore this fact and placed reliance on the oral evidence of Shri Gursharan Singh Superintendent in the Personnel Office who had stated that the order conveyed was that of the Appellate Authority. The said oral statement of Gursharan Singh is now proved to be incorrect by the statement made by Gursharan Singh, Chief Personnel Manager, MW1 which has been reproduced above. In fact it was beyond the jurisdiction of the Labour Court in an application under section 33-C(2) of the I.D. Act to go into the complicated questions whether such an order was passed by the Appellate authority or not when the documentary evidence spoke otherwise or whether the Appellate Authority had the power to pass such an order. Therefore, the observations of the Id. Labour Court to this extent have to be treated as obiter dicta. In any case with the dispute having been referred to this Tribunal for adjudication, the plea of estoppel is not available to the Management as the whole matter has been thrown wide open.

8. On a consideration of the entire facts of the case, the position that emerges is that when the workman, after his reinstatement filed the application dated 2-12-75 for payment of wages for the period 10-12-74 to 23-10-75, the lower Management sought the advice of the Central Office and the decision communicated to the workman vide letter dated 2-6-76 is of the Central Office. The question that arises is whether such a decision by the Central Office can be taken to be a decision of the Appellate Authority. The answer has to be in the negative unless such a decision had been obtained, from

the Appellate Authority which in the present case consisted of the Dy. General Manager Administration Mr. Limji C. Mistry and the Assistant General Manager, West Division-I, Mr. O. K. Gopalan. It has been clearly admitted by MW1 Shri Gursbaran Singh, Chief Manager Personnel that the Appellate Authority had not passed any orders that the period from 10-12-74 to 23-10-74 was to be treated as leave with loss of allowance with continuity of service and that the Appellate Authority did not pass any other order except the order dated 7-7-75. In view of this unambiguous statement it is held that the order not to pay the salary for the period between dismissal and reinstatement had not been passed by the Appellate Authority.

9. Apart from the fact that the Appellate Authority did not pass any such order, the Appellate Authority did not have the power to pass any such order. There is no provision in any award or Bipartite Settlement giving the Management a power or even a discretion to withhold the wages of the workman from the date of his dismissal to the date of his reinstatement, once the order of dismissal has been set aside in appeal. The Management has not referred to an such provision in its written statement. Their only contention is that the Appellate Authority had confirmed that the charges against the workman had been established and had only modified the punishment of dismissal to one of stoppage of increments but the fact remains that the order of dismissal had been set aside by the Appellate Authority and as a consequence the dismissal became non est and the workman is to be deemed to have been restored to the position existing before the date of his dismissal and, he would be deemed to have continued in service and would accordingly be entitled to his full pay and allowances upto the date of his reinstatement. The workman has produced a copy of chapter XIX of the Bipartite Settlement dated 19-10-66 on "disciplinary action and procedure therefore". A perusal of this chapter shows that the Management has been given no power or even a discretion to treat the workman on leave on loss of pay and allowances when his dismissal is set aside in appeal and some punishment other than dismissal is awarded to him. It is only in the case of an employee under suspension pending an enquiry that if some punishment other than dismissal is inflicted, the whole or a part of the period of suspension may at the discretion of the Management be treated as on duty with the right to a corresponding portion of the wages allowances etc. The workman was not under suspension during the pendency of enquiry against him. The contention of the Id. representative of the Management in his written arguments that in terms of the aforesaid provisions of the Bipartite Settlement, the Management had vide order dated 2-6-76 informed the workman that the period from 10-12-74 to 23-10-75 had been treated as leave on loss of pay and allowances with continuity of service is untenable as no such plea has been taken in the written statement, nor has it been mentioned in the letter dated 2-6-76 that the disputed period had been treated as leave on loss of pay and allowances with continuity of service in pursuance of the provisions of clause 19.12 of the Bipartite Settlement. Again it may be observed that

an employee under suspension gets the subsistence allowance during the period of suspension and even in the case of such an employee the whole or part of the period of suspension can at the discretion of the Management be treated as on duty in which case only he would be entitled to his full pay and allowances for the whole or part of the suspension period for which he is treated on duty but no such power or discretion is given to the Management in the case of an employee who is not under suspension during the pendency of enquiry and such an employee cannot, therefore, be treated even worse than an employee under suspension and be deprived of his pay and allowances altogether for the period from the date of dismissal to his reinstatement. Under these circumstances, the order dated 2-6-76 entailing pecuniary loss to the workman by treating him on leave on loss of pay and allowances for the period from 10-12-74 to 23-12-75 operated as an order of additional punishment which was not authorised by the provisions of Bipartite Settlement. In the case Dhamankar (NS) V. Cantonment Board Belgaum & Others (1987-11-LIN-160) where an employee of the Cantonment Board was dismissed after a departmental enquiry and he filed an appeal against the order of dismissal and the Appellate Authority modified the penalty of dismissal to reduction to the lower rank, with the further order that the period between his dismissal and reinstatement be treated as extra ordinary leave without pay and allowance, it was held as under :

"6. The next argument directed against the appellate order at annexure Z I is also attractive and, therefore, accepted. It is attractive because it is founded on the well accepted principle that no servant shall be imposed with punishment which is not authorised by law. In fact, Sri Datar, pointing out the two facts of the operative portion of the order, drew my attention to the fact that while reduction in rank is permissible under the service rules, the second punishment of treating the entire period of suspension till the date of the order as period of leave without pay was not a punishment prescribed under the relevant service rules. He, therefore, contended that while two punishments for the same offence itself is impermissible unless expressly authorised by law, a punishment not authorised by law at all would be wholly illegal and I would have no hesitation to accept the argument.

7. Sri C.L. Bhatta, learned counsel for the Cantonment Board, could not place any material before me by which it could be inferred that the rules authorised imposition of the punishments. He submitted that the school of the punishments of treating the period between his dismissal and reinstatement as leave without pay was power incidental to the exercise of power specified in the rules. I should have no hesitation to uphold the second contention as well, as a second punishment

not specifically authorised cannot be held to be incidental”.

10. Similarly in the case B. Atul Bari V. The General Manager, Karnataka State Road Transport Corporation and others (1985-LIC, 533) Karnataka High Court, in which the dismissal of the petitioner employee was set aside in appeal but the Appellate Authority proceeded to make a consequential order to the effect that the period between the date of dismissal and the date of reinstatement should be treated as leave due to him and where leave is not due at his credit it should be treated as leave without wages, it was held as under :

“2. I think there is much force in the contention of the petitioner. When once the petitioner's appeal was accepted the only consequential order which the 2nd respondent could make was to reinstate him in service with all back wages that was due to him. Once the dismissal order was set aside the dismissal order became non est. The learned Counsel for the respondent has not been able to point out any decided case or any statutory regulation of the Corporation which enables the 2nd respondent to make such a consequential order. In that view of the matter, the petitioner must succeed. The impugned order of the 2nd respondent dt. 25th October 1982, in so far as it relates to the consequential direction commencing with “the intervening period from the date of dismissal to the date of reinstatement is treated as leave due to him and where leave is not at his credit, it should be treated as leave without wages” is without the authority of law and without jurisdiction. In the result, the petitioner is entitled to the second prayer and a writ in the nature of mandamus will issue directing the 1st respondent-General Manager of the Corporation to pay to the petitioner the salary from the date of dismissal to date of reinstatement having regard to the last salary drawn by him before the termination.”

11. Not only the order dated 2-6-76 is illegal and unjustified, it also violates the principles of natural justice. The said order adversely affected the workman and resulted in pecuniary loss to him in as much as his entire pay and allowances for the period from 10-12-74 to 23-10-75 were denied to him in spite of his dismissal having been set aside. In the case B. B. Dutta Vs. Union of India (1973-L.I.C. 276) Delhi High Court it was held as under :

“This decision is, therefore, an authority for the proposition that if an order is passed against a Government servant which results in pecuniary loss to him and which adversely affects him, then the very nature of the duty casts an obligation on the Government to give an opportunity to the concerned Officer before passing the order. In the present case, the impugned order has undoubtedly caused a pecuniary loss to the

petitioner apart from causing a stigma. There is thus no escape from the conclusion that an order by the controlling officer is such that the principles of natural justice, which require that a person must be given an opportunity to show cause before passing an adverse order against him is applicable..... Admittedly no such opportunity having been given before passing the impugned orders (Annexure 3 & 5), the same are liable to be struck down as one in breach of fundamental principles or rules of natural justice.”

12. In view of the discussion made above, the action of the Management in not paying salary and allowances to the workman for the period from 10-12-74 to 24-10-75 i.e. the period between dismissal and reinstatement is held to be illegal and unjustified. The Management is directed to make payment of the full salary and allowances for this period to the workman within 12% interest per annum till actual payment. This reference stands disposed of accordingly.

G. S. KALRA, Presiding Officer
27th March, 1989.

[No. L-12012/213,86-D.II(A)]
N. K. VERMA, Desk Officer

नई दिल्ली, 26 अप्रैल, 1989

का. भा. 1162.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स वेस्टर्न कोयलफील्ड लिम., सब ऐरिया मैनजर बेल्लारपुर सब ऐरिया के प्रबन्धकों के सम्बद्ध निरीक्षकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-4-89 को प्राप्त हुआ था।

New Delhi, the 26th April, 1989

S.O. 1162.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub Area Manager, Ballarpur Sub Area of M/s. Western Coalfields Ltd. and their workmen, which was received by the Central Government on the 21-4-1989.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT
JABALPUR (M.P.)

Case No CGIT/LC(B)(13)/1989

PARTIES :

Employers in relation to the management of Sub Area Manager, Ballarpur Sub Area of M/s. W.C. Ltd. Chandrapur and their workman Shri Anjayya Ballayya, represented through the Organising Secretary, Rashtriya Koyala Khadan Mazdoor Sangh (INTUC), Post and District-Chandrapur (M.S.)

APPEARANCES :

For Workmen—Shri G.V.R. Sharma.

For Management.—Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mines. DISTRICT : Chandrapur (M.S.)

AWARD

Dated, 4th April, 1989

By Notification No. L-22012/98/88-D-4(B), dated 30-12-1988 the Central Government in the Ministry of Labour referred the following dispute to this Tribunal, for adjudication :—

“Whether the action of the management of Sub Area Manager, Ballarpur Sub Area of M/s. W.C. Ltd., Chandrapur in dismissing from service of Shri Anjappa Ballappa w.o.f. 23-2-1982, is justified? If not, to what relief the workman concerned is entitled?”

The statement of claim of the workman was received by post on 7-3-1989. Thereafter the case was fixed for filing the statement of claim by the management on 4th April, 1989. On that day Shri Rajendra Menon Advocate for the management filed Memorandum of Settlement duly signed by the representative of the management and the Organising Secretary of the Union and by the workman. The terms of the settlement duly verified before me by Shri Rajendra Menon, Advocate for the management and Shri G. V. R. Sharma for the Union, and the same are reproduced below :—

1. That Shri Anjappa Ballappa will be offered re-employment as Driver and posted as such at Chandrapur Area Office within 30 days from the date of receipt of consent award by the CGIT.
2. That the period of absence of Shri Anjappa Ballappa from 23-2-1982 till his joining duties in terms of this settlement shall be treated as dies-non on the principle of “No work no Pay”.
3. That Shri Anjappa Ballappa will not be entitled to any wages for any other payment or benefit whatsoever for the period of idleness from the date of absence to the date of joining in terms of this settlement.
4. An assurance of good performance and conduct will be furnished by Shri Anjappa Ballappa in writing before joining duties.
5. That on re-employment Shri Anjappa Ballappa will be kept on probation for a period of one year, during which period, his performance and conduct will be closely watched. If performance/conduct during the probation period is not found satisfactory, his services will be liable to be terminated. If the performance and conduct during the probation period are found satisfactory, he will be given continuity of service for the limited purpose of payment of gratuity.

6. This settlement duly and finally resolves the dispute pending before CGIT, Jabalpur vide reference quoted above.

7. That the parties agree to file the compromise settlement before the Presiding Officer, CGIT, Jabalpur and request for an award in terms of this settlement.

The aforementioned terms of settlement appear to be fair, just and in the interest of the workman concerned. I therefore, record my award in terms of the settlement and make no order as to costs.

V. S. YADAV, Presiding Officer
[No. L-22012/98/88-D-4(B)]

भा. अ. 1163.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में, केन्द्रिय सरकार व ऐंजल्ल चॉफ सेक्यूरिटी, वेमर्ज वेस्टर्न कोलफील्ड्स लि., के प्रबन्धन के सम्बन्ध में निर्विवाद और उन के कामगारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रिय सरकार औद्योगिक अधिनियम सं. 1, 1947 के पक्षों का प्रकाशन करने हेतु, जो केन्द्रिय सरकार, को 19-4-89 का प्राप्ति हुआ था।

S.O. 1163.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Additional Chief Security of M/s. W. C. Ltd., Nagpur and their workmen, which was received by the Central Government on the 19th April, 1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

Reference No. CGIT-5 of 1989

PARTIES :

Employers in relation to the management of M/s. Western Coalfields Limited, Nagpur.

AND

Their Workmen.

APPEARANCES :

For the Management—Mr. D. L. Dharmadhikari, Advocate.

For the Workmen—Workman present in person.

INDUSTRY : Mining

STATE : Maharashtra.

Bombay, the 27th day of March, 1989

AWARD

The Central Government in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Addl. Chief Security of M/s. Western Coalfields Limited, Nagpur in dismissing Shri R. P. Raut, Security Guard at Walni Colliery, vide their order dated 1st February, 1988 is justified? If not, to what relief the workman concerned is entitled?”

2. At the hearing of the reference, parties filed a Memorandum of Settlement and prayed for an award as per the terms of the settlement. The terms of settlement are as follows.

“1. It is agreed that Shri R. P. Raut shall be taken back in employment as fresh Security Guard in any

of the mines/Areas other than Co. HQRs/Nagpur Area, within one month of this settlement. He shall report for duty to Addl. CSO, WCL Hqrs., for his further posting.

2. Shri R. P. Raut shall not be entitled for any wages or benefit whatsoever for the period of his idleness i.e. from 4th February, 1988 till he resumes his duty and the period of idleness will be treated as dies-non.
3. Shri R. P. Raut shall give a written undertaking to the management before joining his duties that he shall be regular in his duties.
4. Shri R. P. Raut shall be on probation for a period of one year during which period his performance and conduct shall be closely watched. If the performance and/or conduct during the probation is not found satisfactory, his services will be liable to be terminated.
5. This settlement settles the dispute fully and finally and there shall be no claim on behalf of workman in future.
6. Shri R. P. Raut shall withdraw the civil suit filed by him and submit evidence of its withdrawal to Addl. CSO.
7. Copy of this settlement shall be submitted both by management and the workman to the concerned authorities."

3. The Settlement is quite fair and is in the interest not only of the workman but also in the larger interest of the industrial peace. I, therefore, accept the settlement and pass an award in terms of the said settlement. Award accordingly.

M. S. JAMDAR, Presiding Officer
[No. L-22012/91/88-D. IV(B)]

का. घा. 1164.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुकरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लि. म. प्र. ऐरिया—III हिन्दुस्तान लालपेथ कोल्लिरी के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, सं. 1, बम्बई के पंचट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-89 को प्राप्त हुआ था।

S.O. 1164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Ltd. Sub-Area-III, Hindustan Lalpeth Colliery and their workmen, which was received by the Central Government on the 19th April, 1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT BOMBAY

Reference No. CGIT-24 of 1987

PARTIES :

Employers in relation to the management of Sub-Area No. III, Hindustan Lalpeth Colliery, M/s. Western Coalfields Limited, P.O. Chandrapur, District Chandrapur (M.S.).

AND

Their Workmen.

APPEARANCES :

For the Management—Mr. P. S. Nair, Advocate.

For the Workmen—Workman present in person.

INDUSTRY : Mining. STATE : Maharashtra

Bombay, the 27th day of March, 1989

AWARD

The Central Government in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section (2A)

of section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of M/s. Western Coalfields Limited in Sub-Area No. III, Hindustan Lalpeth Colliery, P.O. Babupeth, District Chandrapur (M.S.) is justified in terminating the services of the workman Shri Ramesh Durgaya w.o.f. 10th May, 1983 ? If not, what relief is the said workman entitled to ?"

2. At the hearing of the reference, parties filed a Memorandum of Settlement and prayed for an award as per the terms of the settlement. The terms of settlement are as follows :—

1. That Shri Ramesh Durgaya will be offered re-employment as General Mazdoor and posted as such at any of the units of Chandrapur Area within 30 days from the date of receipt of consent award by the CGIT, subject to his medical fitness.
2. That the period of absence of Shri Ramesh Durgaya from 10th May, 1983 till his joining duties in terms of this Settlement shall be treated as dies non on the principle of 'No work No pay'.
3. That Shri Ramesh Durgaya will not be entitled to any wages or any other payment or benefit whatsoever for the period of idleness from the date of absence to the date of joining in terms of this settlement.
4. An assurance of good performance and conduct will be furnished by Shri Ramesh Durgaya in writing before joining duties.
5. That on re-employment, Shri Ramesh Durgaya will be kept on probation for a period of one year during which period, his performance and conduct will be closely watched. If performance/conduct during the probation period is not found satisfactory, his services will be liable to be terminated. If the performance and conduct during the probation period are found satisfactory, he will be given continuity of service for the limited purpose of payment of gratuity.
6. That this agreement shall not be treated as precedent for any other case.
7. This settlement fully and finally resolves the dispute pending before CGIT, Bombay vide reference quoted above.
8. That the parties agree to file this compromise settlement before the Presiding Officer, CGIT, Bombay and request for an award in terms of this settlement."

3. The settlement is quite fair and is in the interest not only of the workman but also in the larger interest of the industrial peace. I, therefore, accept the settlement and pass an award in terms of the said settlement. Award accordingly.

M. S. JAMDAR, Presiding Officer
[No. L-21012/77/86-D. III(B)]

का. घा. 1165.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुकरण में, केन्द्रीय सरकार व वेस्टर्न कोलफील्ड्स लि. न्यू माजरी कोल्लिरी, सब ऐरिया—I के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम सं. 1 बम्बई के पंचट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-89 को प्राप्त हुआ था।

S.O. 1165.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Limited, New Majri Colliery, Sub-Area-I and their workmen, which was received by the Central Government on the 19th April, 1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

Reference No. CGIT-28 of 1987

PARTIES :

Employers in relation to the management of M/s. Western Coalfields Limited, P.O. Shivjinagar, District Chandrapur (MS).

AND

Their workmen.

APPEARANCES :

For the Management—Mr. P. S. Nair, Advocate.

For the Workmen—Workman present in person.

INDUSTRY : Mining. STATE : Maharashtra.

Bombay, the 27th day of March, 1989

AWARD

The Central Government in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication :

"Whether the management of M/s. Western Coalfields Limited in Sub. Area No. 1, New Majri Colliery, Shivajinagar, District Chandrapur (MS) is justified in terminating the services of Shri Tulsiram Karnu Gohokar, a Casual U/G Loader w.e.f. 5th December, 1984? If not, to what relief the workman concerned is entitled to?"

2. At the hearing of the reference, the parties filed a Memorandum of Settlement and prayed for an award as per the terms of the settlement. The terms of settlement are as follows :—

- "1. Shri Tulsiram Karnoo will be reinstated on the same post as held by him at the time of termination."
2. The period of absence from the date of his termination to the date of joining will be treated as *dies-non* i.e. "No work No pay".
3. The workman will not be entitled to wages or any other payment whatsoever for the period of idleness from the date of his termination to the date of his re-instatement joining his duties.
4. On reinstatement Shri Tulsiram Karnoo Gohokar will be kept on probation for a period of one year during which his attendance, performance and conduct will be closely watched. An assurance of good performance, conduct and punctuality will be furnished by the workman before joining the duties. If performance conduct during the probation period is not found satisfactory, his services will be liable to be terminated. However, if his performance and conduct during the probation period are found satisfactory the management may consider to grant him a continuancy of service for the limited purpose of payment of gratuity.
5. The posting of Shri Tulsiram Karnoo Gohokar shall be decided by the management.
6. The workman will be allowed to join duty within the period of one month from the date of receipt of consent award from the Tribunal.
7. Both the parties agreed to settle the dispute mutually on the above terms and conditions and copy of the memorandum of settlement will be submitted jointly by the both parties to the Hon'ble Tribunal for passing consent award."

3. The settlement is quite fair and is in the interest not only of the workman but also in the larger interest of the

Industrial peace. I, therefore, accept the settlement and pass an award in terms of the said settlement. Award accordingly.

M. S. JAMDAR, Presiding Officer

[No. L-21012/88/86-D. III(B)]

का. आ. 1166.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार व ईस्टर्न कोल फील्ड्स लि. के प्रबंधन के सम्बद्ध निषेजकों और उनके कामदारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-89 को प्राप्त हुआ था।

S.O. 1166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 19-4-89.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 11 of 1987

PARTIES :

Employers in relation to the management of Seetalpur Colliery (new Sodepur Area).

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri B. N. Lala, Advocate, and Shri D. P. Roy, Dy. Personnel Manager.

For the Workmen : Shri N. N. Sinha, Vice President, Colliery Mazdoor Congress (BMS).

STATE : West Bengal. INDUSTRY : Coal.

Dated, the 30th March, 1989

AWARD

By Order No. L-19012(83)-D.IV.B, dated, the 29th June, 1984, the Central Government in the Ministry of Labour, had, referred in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to the Central Govt. Industrial Tribunal, Calcutta. Subsequently, the dispute has been transferred to this Tribunal vide Govt. of India, Ministry of Labour, Order No. S-11025(53)87-D.IV(B) dated the 21st September, 1987, for adjudication by this Tribunal :

"Whether the punishment of dismissal from service awarded to Shri Bachnu Harijan, Guard of Seetalpur Colliery by the Agent, Seetalpur Colliery and General Manager, Dishergarh Area (new Sodepur Area, P.O. Sunderchak, Burdwan) of M/s Eastern

Coalfields Ltd. is disproportionate to the offence allegedly committed by him? If so, to what relief the workman is entitled?"

2. The case of the management of Seetalpur Colliery of M/s. Eastern Coalfields Ltd. as appearing from the written statement submitted, details apart, is as follows :

The present reference is not maintainable. The true and proper construction of the order of reference envisages that the Tribunal is simply to decide whether the punishment of dismissal inflicted on the concerned workman is disproportionate in relation to the nature of offence committed by him, as spelt out in the chargesheet and proved in the domestic enquiry. In the circumstances, it is essential to determine the fairness and propriety of the domestic enquiry as a preliminary issue. Shri Bachan Harijan, the concerned workman, while employed as a Guard at Seetalpur Colliery of M/s. Eastern Coalfields Ltd. was charged in writing on 10-10-79 for committing theft in respect of about 13 tonnes of coal from the colliery in Truck No. BHW 9697 in the early hours at about 2 a.m. on 6-10-79. While he was fleeing away with the stolen coal in the said truck he was caught by the Police who seized the said Truck with loaded coal therein. He was further charged in the same chargesheet for an occurrence on 16-9-79 when at about 4 a.m. another Guard, Khokan Pandit found him sitting inside a Truck loaded with coal near 3-A Pit Seetalpur Colliery and when charged he threatened him with dire consequences and tried to put him under the wheels of the Truck and thereafter he fled away with the truck loaded with coal and after the incident, he, armed with a sword, abused the Guard Khokan Pandit and threatened him (Pandit) that if the matter was reported to the police he would be punished. Such acts of the concerned workman amounted to misconduct under the Standing Orders applicable to the workmen of the Colliery and he was called upon to explain his conduct in writing. He gave an explanation dated 7-11-79 denying the charges and requested for stay of disciplinary proceedings till finality of the alleged criminal proceedings. The union sponsored his case immediately after 10-10-79 the date of submission of chargesheet submitted a letter dated 11-10-79 to the management enclosing a list of purported office bearers of the union in which the concerned workman was stated as Organising Secretary of the union for the first time. The General Manager of the Area by his letter dated 26-10-79 addressed to the union communicated his decision not to take any action on the letter of the union dated 11-10-79. Domestic enquiry into the charges levelled against the concerned workman was initiated on or about 12/14-11-79 and he was served with notice

of enquiry dated 22-11-79. But by his letter dated 30-11-79 informed the management that he would not be able to participate in the proposed enquiry. Thereafter several notices were served on him requesting him to attend the enquiry with assurance to give him full opportunities to conduct his defence, but he did not participate in the enquiry and in the circumstances the Enquiry Officer proceeded to hold the enquiry in his absence on 15-1-80 and 30-1-80 when the witnesses were examined. The Enquiry Officer cross-examined some of the witnesses for the management on behalf of the concerned workman. After completion of the enquiry he submitted his report on 17-3-80 holding the concerned workman guilty of the charges. The General Manager thereafter considered the chargesheet, the reply of the concerned workman and the enquiry proceedings and was convinced that the enquiry was conducted as per procedure and was satisfied that the concerned workman was guilty of the charges made against him beyond doubt. Since the charges were grave and there was no extenuating circumstances, the General Manager decided to dismiss him from service which he did by order in writing dated 7/8-5-1980. Since the concerned workman was under order of transfer to Barmondia Colliery of the Employers situated within the same Area and within the jurisdiction of the General Manager of Seetalpur Colliery, the Employers for abundant precaution served the order of dismissal at Seetalpur Colliery and Barmondia Colliery on him. In the circumstances the Employer has prayed that the dismissal of the concerned workman from service be held to be justified.

3. The case of the concerned workman, as appearing from the written statement submitted by the sponsoring union, Colliery Mazdoor Congress, briefly stated, is as follows :

Bachan Harijan was working as Guard of Seetalpur Colliery. Chargesheet dated 10-10-79 was issued against him alleging misconduct under Clause 17(1)(a)(i)(r) of the model Standing Orders of the Coal Mines over incident of 6-10-79 and 16-9-79. Prior to the issue of the said chargesheet a police case being Kult P. S. Case No. 5(10)79 U.S. 307/341/332/379 of I.P.C. was started against him over the self same incident. The said police case was for commission of grave offence triable by Court of Sessions. However, the concerned workman gave reply to the chargesheet on 7-11-79 requesting the authorities to stay the disciplinary proceeding in view of the criminal case of grave nature as he would be put to double jeopardy since his defence in the criminal case could not be divulged earlier. This Manager was so much vindictive that during the pendency of domestic enquiry

the concerned workman was transferred to Barmondia Colliery on 31-10-79. The management informed him that the enquiry would be held by the Enquiry Officer of Dhomomain Colliery. Although there was an Enquiry Officer of Seetalpur Colliery, the Enquiry Officer acted as Enquiry-cum- Presenting Officer and as a judge of the disciplinary proceeding and as per pre-mediated plan of the Manager held the enquiry according to his sweet will with a malafide motive of victimising the concerned workman. It is alleged that on the basis of invalid and illegal report of the Enquiry Officer, the General Manager issued order of dismissal by letter dated 7-5-80 although he is not the disciplinary authority. The management entertained a biased attitude against the concerned workman who was originally a loader Supervisor and he was stopped from duty in 1975. Consequently industrial dispute arose which ended in a settlement on 8-10-80 when the management had to pay 57 per cent of his wages. He also could not oblige the Manager in carrying out his order to vacate land in September, 1979. The order of dismissal is illegal, pre-meditated, malafide, unjustified and wrongful and the concerned workman is entitled to reinstated in service with full back wages. He was not informed about the date of enquiry and as such he could not take part in the disciplinary proceeding. The charges levelled against him are imaginary and he has been falsely implicated in the criminal case. The order of dismissal is also unjustified on the ground that it is illegal and based on perverse findings of the Enquiry Officer.

4. In the rejoinder to the written statement of the management, the sponsoring union has reiterated its own case as spelt out in the written statement and contended that the principles of natural justice has been violated in holding the domestic enquiry. It has been further contended that the punishment of dismissal from service is disproportionate.

5. In the rejoinder to the written statement of the concerned workman, the management has asserted that the chargesheet was issued under certified Standing Orders of Seetalpur Colliery and that the concerned workman was given reasonable opportunity to defend himself in the domestic enquiry. It has been denied that the order of dismissal is malafide, illegal and unjustified and the findings of the Enquiry Officer perverse.

6. At the time of hearing the preliminary issue the management examined two witnesses, namely, MW-1 Shymal Kumar Banerjee, Enquiry Officer and MW-2 Durgapad Roy and laid in evidence a sheaf of documents which have been marked Exts. M 1 to M-19. On the other hand, the sponsoring Union has examined only one witness i.e. W.W. 1 Nagendra Nath Sinha and laid in evidence a mass of documents which have been marked Exts. W-1 to W-5.

7. Sri C. P. Roy, my predecessor-in-office, after consideration of evidence on record, held the domestic enquiry to be fair and proper and directed that the matter would be heard on merit. Accordingly the matter was heard on merit when both the parties advanced arguments in support of their respective cases.

8. Sri B. N. Lala, learned Advocate for the management has submitted that the Enquiry Officer was justified in holding the concerned workman guilty of the charge of theft as alleged against him upon consideration of evidence on record. He has further submitted that the subject matter of offence, i.e. the loaded coal on truck was the property of Seetalpur colliery and as such offence of theft was committed in respect of property belonging to Seetalpur colliery. He has contended that since the concerned workman was a Guard and committed the act of theft, the action of the management by awarding punishment of his dismissal from service is justified.

Sri N. N. Sinha, Vice President of the sponsoring union has submitted that the act of theft has not been proved against the concerned workman at all and the Enquiry Officer was not justified in holding him guilty of theft. He has further submitted that there is no evidence on record indicative of the fact that the loaded coal in the truck belonged to Seetalpur colliery and hence the management of Seetalpur Colliery was not competent to launch domestic enquiry against the concerned workman. He has submitted that the management had an eye on the concerned workman for long because of his trade union activities and dismissed him from service with a malafide motive by way of victimisation.

9. It is an irrefragable position that Bachan Harijan, the concerned workman was employed as Guard of Seetalpur Colliery at the time the alleged occurrence took place. It appears that the Manager of Seetalpur Colliery issued chargesheet (Ext. M-2) against the concerned workman on 10-10-79 on the following terms :

"It has come to my notice that on 6-10-79 at about 2 a.m. (midnight) a truck No. BHN 9697 was found being loaded at Seetalpur Bauripara near 3-A Pit aiding. The Security man while seasing some foul play tried to stop my putting a stone barricade on the road but the truck filed way. Due to the above fact the SAP Force fired causing damage to one of the tyre which was caught after hot chase on G. T. Road near Petrol Pump. The Security men caught you while you were assisting the changing of the damaged tyre of truck No. BHW 9697 and the Truck was found loaded with coal which was approximately 13 tonnes. The Truck alone with coal was seized by the police and you were also arrested by Kulti P. S.

The aforesaid acting as your part clearly proves that you stole coal from depot without any authorisation and loaded the same in the Truck No. BHW 9697 with same ulterior motive.

On 16-9-79 of above 4 a.m. one Truck loaded with coal was passing near 3A pit of Seetalpur colliery gate which was intercaped by putting road blocks. When Sri Khakan Pandit who as guard at depot along with Security personnel reached near the Truck you were found sitting inside the Truck. When Sri Pandit challenged you, you threatened him with dire consequence and tried to put him under the wheel of the Truck, When the Driver of the truck fled away on your instruction.

It has further been reported that on 16-9-79 after the incident you along with others started loitering near Seetalpur 3A Pit colliery gate with a sword in year head threatening and abusing Sri Khakan Pandit and other security guards with the following words, you have reported coal theft to the police, we shall finish you.

Show cause as to why disciplinary action should not be taken against you for threatening, abusing, committing theft, fraud, dishonesty of company's property. This will come under Section 17(1)(a) (i)(r) of the Standing Orders applicable to you."

The concerned workman was directed to show cause as to why disciplinary action shall not be taken against him for threatening, abusing, committing theft, fraud, dishonesty with regard to company's property under Clause 17(1)(a)(i)(r) of the Standing Order.

10. The concerned workman replied to the charge-sheet by his letter dated 7-1-79 (Ext. M-3). He has specifically stated in his reply that the charges levelled against him are false, fraudulent, malafide and that he is quite innocent of the charges levelled against him. He has further stated that he was never arrested in the manner and in the place as alleged and complained that he has been entrapped in a false charge at the instance of the Security men of the company and that since a police case which is false and exclusively triable by Court of Session, he will have to face double jeopardy by disclosing his evidence in domestic enquiry. In the circumstances, he prayed that disciplinary proceeding should be stayed till the finality of the criminal proceeding. He has reiterated that he is not guilty of theft of coal nor is he guilty of damaging employee's property/work nor is he guilty of threatening of abusing any co-worker.

11. The management was not satisfied with the explanation submitted by the concerned workman and decided to hold domestic enquiry and in the process appointed Sri Shyamal Kumar Banerjee. Enquiry Officer, Dhamomain colliery as Enquiry Officer. The evidence of Sri Shyamal Kumar Banerjee who figures as MW-1 indicated that Sri Madhu Banerjee was the Enquiring Officer at Seetalpur colliery and the reason is best known to the management as to why Sri Madhu Banerjee was not appointed as Enquiry Officer in the instant case.

12. However, it appears that the concerned workman did not participate in the enquiry on the ground that participation in the said enquiry would expose him to double jeopardy while the criminal case against him for almost the self same offences were pending in criminal Court.

The Enquiry Officer proceeded ex-parte against the concerned workman and examined four witnesses, namely S/Shri Khakhan Pandit, Guard, Jang Bahadur, Havildar, Kishorilal Singh, Security Officer and A. P. Misra, Havildar.

13. It appears that on the basis of oral testimony of these witnesses the Enquiry Officer has come to the following findings :

"Statements given by the prosecution witnesses have corroborated with each other and from their statements recorded at the enquiry it transpired that Sri Harijan the delinquent was involved in the very incident of 6-10-79 and was caught red-handed by the SAP Force while he was assisting to change the damaged Tyre. It also transpired that Sri Harijan had threatened and abused Sri Khakhan Pandit, Guard on 16-9-79 following the incident of 6-10-79.

So from the above findings, the charges Levelled against Sri Bachnu Harijan stand substantiated."

The evidence of Khakhan Pandit is that on 16-9-79 at about 4 a.m. while he was on duty in the 3rd shift at Depot of 3-A Pit of Seetalpur colliery he found a truck loaded with coal stood near the gate of 3-A Pit of Seetalpur Colliery and was instructed by Kishorilal Singh, Security Inspector to prevent the truck from leaving the place. He has further stated that when he saw the truck was about to leave he tried to put up road block by stones and bricks and the truck ultimately stopped and he found two men sitting in the truck of when the concerned workman was one. His further testimony is that the concerned workman asked him to remove the road block failing which he would kill him and thereafter the concerned workman attempted to put him under the wheel of the truck, but he warded off his attempt. He has also stated that after the incident the concerned workman and others were found loitering near the gate of 3A colliery gate and that the concerned workman had a sword in his hand and he threatened Pandit with dire consequences. With regard to occurrence of 6-10-79 Sri Pandit has stated that he saw one truck running away at high speed and after sometime he heard some sound like firing and on the next morning he came to know that hte loaded truck was caught on the G.R. Road near Petrol Pump after a hot chase and the concerned workman was caught red-handed while he was assisting in changing the damage tyre. Thus, it is evident from the evidence of this witness that he has not seen the concernend workman committing the act of theft. His testimony with regard to the attempt of the concerned workman to put him under the wheel of a truck is also opse-dixit. He has claimed that many persons were present when the concerned workman threatened him with dire consequences, but none of them has come forward to vouch for the fact that of his being threatened by the concerned workman. About the occurrence of 6-10-79 his evidence is no better than heresay. Sri Jang Bahadur has detained with regard to the occurrence of 6-10-79. He has vouched for the fact that they gave a hot chase to a loaded truck which they could intercept at a Petrol Pump near Navamatnour and he saw the concerned workman assisting in changing one damaged tyre. Thus, this witness has also not seen the concerned workman committing the act of theft. The statement of Kishorilal Singh is of no avail in so

far as the act of theft is concerned. The evidence of A.P. Misra is not indicative of the fact that he is an eye witness to the occurrence which happened on 15-9-79. His evidence with regard to the occurrence happened 6-10-79 is that they gave a hot chase to a truck loaded with coal and while they went to Nayamatpur Petrol Pump they found one truck standing by the side of the road and that Subedar Saheb and two Sepoys arrested the concerned workman who was assisting in changing the damaged tyre of the truck. Thus, the evidence of this witness does not indicate that he saw the concerned workman committing the act of theft.

14. Theft, as defined in Section 378 of the Indian Penal Code, is as follows :

"Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent removes that property in order to such taking, is said to commit theft."

Theft is essentially an offence against possession. In order to prove act of theft it is the bounden duty of the management to prove that the coal loaded in the truck belonged to them.

Sri. B. N. Laia has submitted that after nationalisation all the coal mines of the country belong to the Central Government as such coal loaded in the truck should be presumed to be the property of Seetalpur colliery. But this is an impossible position for the Central Government is not the owner of all the Coal mines in the country. That apart, even if it is assumed that the Central Government is the owner of coal miners in the country, the coal loaded in the truck as per the logic of Sri Laia, should belong to the Central Government and not to the management of Seetalpur colliery. Anyway, it has not been proved that the management of Seetalpur colliery was either the owner or possessor of the coal loaded in the truck. The Enquiry Officer has stated that he did not want to ascertain as to which the colliery the stolen coal belonged and he had no knowledge about the quantity of the recovered coal. He has admitted that none of the witnesses examined by him has specifically stated that the workman caused any damage to the property of the colliery.

15. The certified Standing Order applicable to Seetalpur Colliery has been produced by the management. Clause 17(1)(a)(i)(r) of the said Standing Order runs as follows :

"(a) Theft, fraud or dishonesty in connection with employers business or property;

(i) Causing wilful damage to work in progress or to property of the employer;

(r) Threatening, abusing or assaulting any superior or sub-ordinate or co-worker."

From my discussion it is evident that the charge of theft has not been proved against the concerned workman; the charge of fraud or dishonesty in connection with employers business or property fails no better. The charge of causing wilful damage to work in progress does not, in the context of facts and circumstances of the case, arise at all. There is no

evidence to prove the charge of causing wilful damage the property of the employer. The offence of threat and abuse as alleged against the concerned workman has not been proved by cogent evidence.

16. Since the concerned workman is not found guilty of the offences complained of, the punishment of his dismissal from service is not only disproportionate but is not sustainable at all.

17. Accordingly, the following award is rendered—the punishment of dismissal from service awarded to Shri Bachnu Harijan, Guard of Seetalpur Colliery by the Agent, Seetalpur Colliery and General Manager, Dishergarh Area (no Sodepur Area, P.O. Sunderchak, Burdwan) of M/s. Eastern Coalfields Ltd. is disproportionate to the offence allegedly committed by him. In the circumstances the concerned workman is entitled to be reinstated in service with effect from the date of his dismissal from services i.e. 7/8-5-1980 and to get 75 per cent of his back wages.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer.

[No. L-19012/83]-D.IV(B)]

का. प्र. 1167.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार व भारतीय खाद्य निगम के प्रबन्धन के सम्बन्ध निवाजकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अतिक्रमण, चण्डीगढ़ के पंचरट को प्रभावित करता है, जो केन्द्रीय सरकार को 19-4-89 को प्राप्त हुआ था।

S.O. 1167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on the 19-4-89.

ANNEXURE

BEFORE SHRI M.S. NAGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 7/87

PARTIES:

Employers in relation to the Management of Food Corporation of India

AND

Their Workmen P. K. Singla & Jagdish Rai Goel.

APPEARANCES:

For the workmen : None.

For the Management : N. K. Zakhmi.

AWARD

Dated : 15-3-1989

On a dispute raised by Workmen of Food Corporation of India, Central Government had been pleaded to make the following reference vide No. L-21/40/

86-Con. I/D. II(B) dated 20 January 1987 to this Tribunal.

"Whether the action of the management of Food Corporation of India in punishing S/Shri P. K. Singla and Jagdish Rai Goel Watchmen by stopping three increments with cumulative effect with effect from 1-1-84 is just and legal? If not, to what relief are S/Shri P.K. Singla and Jagdish Rai Goel are entitled to and from what date?"

2. None has put up appearance on behalf of the workmen. Workmen was represented on the last date by Shri P. K. Singla when the proceedings were adjourned from 8-3-89 for today i.e. 15-3-89. Reference proceeding are therefore, filed for want of prosecution. Central Govt. be informed accordingly.

Chandigarh.

15-3-1989.

M. S. NAGRA, Presiding Officer

[No. L-31/40/86/Con.I-D.II(B)]

नई दिल्ली, 27 अप्रैल, 1989

का. अ. 1168.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार व वेस्टर्न कोलफील्ड्स लि. सब ऐरिया नं. II घुगुस कोलियरीज के प्रवर्धन के सम्बन्ध नियोजकों और उनके कर्मचारों के बीच, अनुवध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1 बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-89 को प्राप्त हुआ था।

New Delhi, the 27th April, 1989

S.O. 1168.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Ltd. Sub-Area No. II, Ghugus Collieries and their workmen, which was received by the Central Government on the 19-4-89

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT BOMBAY
Reference No. CGIT-2 of 1988

PARTIES :

Employers in relation to the management of Western Coalfields Ltd.

AND

their workmen.

APPEARANCES :

For the Management.—Mr. P. S. Nair, Advocate.

For the Workmen.—Mr. R. C. Pandey, General Secretary of Rashtriya Vidharbha Coal Employees Union.

INDUSTRY : Mining STATE : Maharashtra
Bombay, dated the 27th day of March, 1989

AWARD

The Central Government in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-

section (2A) of section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication :

"Whether the management of M/s. Western Coalfields Ltd. in Sub Area No. II, Ghugus Collieries, P.O. Ghugus P.O. & District Chandrapur (MS) is justified in non-considering the demand of grant of designation as Security Guards to the 22 workmen viz. Shri Madan Durgayya & 21 others with effect from the date they are working as such? If not, to what relief the workmen concerned are entitled?"

2. After the reference was made out of 22 persons 16 have already been regularised as Security Guards vide Office Order dated 19-2-1988. Out of the remaining 6, one Shri Krishna Pandurang is dead and hence the dispute referred for adjudication survived in respect of only 5 persons namely S/Shri Godsai Lukas, Matadih Desai, Viswanath Damu, Bapurao Ragho and Hairam Chandradeo. This position is admitted. At the hearing of the reference parties filed a memorandum of settlement settling the dispute that survived for consideration and prayed for an award in terms of the said settlement. The terms of settlement are as follows :—

- "1. In regard to the 16 persons who have already been designated as Security Guards there remains no dispute of what-so-ever nature pending for adjudication.
2. The remaining 5 persons viz. S/Shri Godsai Lukas, Matadih Desai, Viswanath Damu, Bapurao Ragho and Hairam Chandradeo will be designated as Security Guards with prospective effect as per the cadre scheme of Security Personnel formulated by JBCCI under I.I. No. 54. Even if, any person out of these 5, does not fulfil the norms of cadre scheme, he will also be regularised as Security Guards with prospective effect and such regularisation will be personal to them without forming any precedence.
3. The absorption/regularisation will be with prospective effect and be completed within 30 days from the date of signing of the settlement.
4. Under the circumstances when matter pertaining to all the concerned 22 persons (out of which Shri Krishna Pandurang is died) has been resolved on the above terms and conditions mutually there remains no dispute of what-so-ever nature and the concerned persons and the Union, will not raise any issue in connection with the above dispute in future.
5. The parties have agreed to submit the above settlement before the CGIT-1, Bombay for getting Consent Award."

3. The Settlement is quite fair and is in the interest not only of the workman but also in the larger interest of the Industrial peace. I, therefore, accept the Settlement and pass an award in terms of the said settlement.

27-3-89

M. S. JAMDAR, Presiding Officer
[No. L-21011/20/86-D.III(B)]

का. आ. 1169.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 154) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार व वेस्टर्न कोलफील्ड्स लि. के जमुना व कोटमा क्षेत्र के प्रबंधन के सम्बन्ध निवाजों आर उनके कर्मचारों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकार जबलपुर के पंचायत को प्रमाणित करती है, जो केन्द्रीय सरकार का 21-4-89 प्राप्त हुआ था।

S.O. 1169.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jamuna & Kotma Area Branch of M/s. Western Coalfields Ltd. and their workmen, which was received by the Central Government on the 21-4-1989.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(57)/1986

PARTIES :

Employers in relation to the management of Jamuna & Kotma Area Branch of Western Coalfields Limited, Nagpur and their workman Shri Pran Singh S/o Shri Dasrath Singh Bond of Jamuna 7&8 Mines represented by the M. P. Colliery Workers Federation, J & K Area Branch, P.O. Jamuna Colliery, District Shahdol (M.P.).

APPEARANCES :

For Workman.—Shri Rohit Arya, Advocate.

For Management.—S/Shri P. S. Nair, Advocate, R. Menon & A. K. Sashi, Advocates.

INDUSTRY : Coal Mining DISTRICT : Shahdol (M.P.)

AWARD

Dated : 6-4-1989

By Notification No. L-22012(60)/85-D. V(D. III(B) dated 20th June, 1986 the Central Government in the Ministry of Labour has referred the following dispute to this Tribunal, for adjudication :—

“Whether the termination from services of Shri Pran Singh S/o Dasrath Singh Gond of Jamuna 7 & 8 mines by the sub-area Manager, Jamuna and Kotma Areas of Western Coalfields Ltd. vide letter No. WCL/SAM/J&K/D-7/2584 dated 13/14-5-1984 without holding enquiry, is justified? If not, to what relief the workman is entitled?”

2. It is a common ground that the workman, Pran Singh, was appointed vide order dated 4-2-1984 as casual badli/temporary piece rated worker in Incline No. 7 & 8 of Jamuna Colliery of the Western Coalfields Ltd. (hereinafter referred to as the workman and the management). The order of appointment was to take effect from 5-2-84 (Ex. W11) for the period

of three months. He had worked upto 13-5-1984 on which date his services were terminated with immediate effect i.e. on 14-5-84 along with six others on the following grounds :—

“On 8-5-84 at 8.30 a.m. while Shri J. Y. Ghanekar, Supdt.(M)/Agent Jamuna U.G. Mines was sitting in his office you along with.....forcibly entered pushing Shri P. K. Alex, Driver, inside the room by breaking the door open in a violent mood carrying in your hand lathi and others carrying Lathi, Shovel, Rod and Stone in their hands. You attacked him and assaulted him severely with lathi. You along with the above workmen assaulted Shri P. K. Alex, Driver, S/Shri Kamla Singh and Shymal, Security Guards also.”

3. The case of the workman is that he has admittedly worked beyond the period of three months after 5-5-84 till his services were terminated on 14-5-1984. Had it been the intention of the management to automatically terminated his employment they would have done so on the expiration of three months i.e. 5-5-84. As such as provided for in proviso to Clause B of the Standing Order the workman having completed three months continuous service management ought to have given two weeks notice before terminating his services which was not done. In any case, termination of his services without affording him a reasonable opportunity to show cause in violation of the principle of natural justice and statutory protection is not only against the fundamental rights and constitutional guarantee but is void. The workman has been discriminated and have been given a step motherly treatment with the other persons who were named in the termination order, against them a regular domestic enquiry was held and some of them have been even reinstated. Thus his termination is arbitrary, illegal and whimsical.

4. It is denied that he assaulted Shri J. Y. Ghanekar. Workman is innocent and this case has been fabricated against him in order to justify his termination on both the counts. Thus his termination without holding a domestic enquiry is not justified.

5. Admittedly no domestic enquiry was held therefore this Tribunal afforded an opportunity to the management to lead evidence to prove misconduct before this Tribunal and parties adduced evidence.

6. The case of the management is that the conduct of the workman was such that he was not entitled to be retained in service and the management has lost faith on him. Looking to the nature of his appointment and his conduct his termination is justified and proper.

7. Question arises—

(i) Whether his termination without holding a domestic enquiry is legal and proper?

(ii) Whether his termination is justified on facts of the case and

(iii) If not to what relief the workman is entitled? Findings on all the above points :—

8. Standing Order No. 3 of the Standing Orders classified the workman. Clause (d) and (e) defines

the Badli and temporary workman respectively with which I am concerned, as follows :—

S.O. No. 3(d).—A 'Badli' or substitute is one who is appointed in the post of a permanent workman or a probationer who is temporarily absent, but he shall become permanent on completion of one year continuous service (i.e. by putting in 190 attendances in the case of underground workmen and 240 attendances in the case of other workmen in a period of 12 months, in the same post or posts of the same category.

S.O. No. 3(c).—A 'temporary' workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period. The period within which it is likely to be finished should also be specified but it may be extended from time to time, if necessary.

The nature of the appointment of the workman (Ex. W/1) goes to show that his appointment was of permanent nature since certain conditions like payment of Cat. 1 wages and retirement condition and others were laid down in his appointment order. Thus it cannot be said that looking to the terms and conditions laid down in Ex. W/1 that nature of appointment was intended to be for a fixed period either as a Badli worker or as a 'Temporary and Casual worker. The definition of 'Temporary' workman goes to show that the worker who is appointed temporarily, essentially for temporary nature of work which is likely to be finished within a limited period such a worker is treated as temporary. As already pointed out the nature of his appointment does not show that he was a temporary worker. Therefore the workman as per Cl. (d) of S.O. No. 3 would have obtained permanent status on completion of one year continuous service. Admittedly the services of the workman were continued even after the expiration of three months.

9. Next S.O. No. 13 will apply in this case which runs as under :—

S.O. No. 13.—Termination of Services.

(a)

(b) Subject to the provisions of the Industrial Dispute Act, 1947 and the provisions listed below on notice of termination of employment shall be necessary in the case of temporary and badli workmen.

Provided that a temporary workman, who has completed three months continuous service, shall be given two weeks notice of the intention to terminate his employment if such termination is not in accordance with the terms of the contract of his employment.

Provided further that when the services of a temporary workman, who has not completed three months continuous service, are terminated before the completion of the term of employment given to him, he shall be informed of the reasons in writing. When the services of a badli workman are terminated before the return to work of the permanent incumbent or the expiry of his (badli's) term of employment, he shall be

informed of the reasons for such termination in writing.

10. On behalf of the management it has been contended that the management has informed the workman reasons for termination in writing vide Ex. W/2 dated 13/14-5-84. One of the reason was that his appointment was only upto 5-5-84. There his services were terminated by efflux of time. This is not quite correct because his services were admittedly retained upto 13/14-5-84 on which date his services were terminated with immediate effect i.e. 14-5-84. Therefore to my mind the second provision to S.O. No. 13 will not apply to the present case because he had three month's completed service. As such, the first proviso to the said S.O. No. 13 will apply and it was incumbent upon the management to give two weeks notice of the intention to terminate his employment because his termination was not in accordance with the terms of his employment. Therefore his termination was not in accordance with Cl. (b) of S.O. No. 13 of the Standing Order.

11. The second ground of his termination was as mentioned in Ex. W/2 that he had not only attacked Shri Ghanekar but he had also assaulted Alex Driver, Kamla Singh and Shyam Lal, Security Guards. Therefore his termination amounted to misconduct attached with stigma. In this connection my attention has been drawn to S.O. No. 17 of the Standing Orders, the relevant portion of which is as under :—

(i) A workman may be suspended or fined or his increment may be stopped or he may be demoted or dismissed without notice if he is found to be guilty of misconduct provided that suspension without pay as a punishment shall not exceed ten days....."

Without prejudice to the general meaning of 'misconduct' the following acts and omissions shall be treated as mis-conduct—

(r) Threatening, abusing or assaulting any superior or co-worker.

(ii) No order or punishment under Standing Order No. 17(i) shall be made unless the workman concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the allegations made against him. A departmental enquiry shall be instituted before dealing with such charges....."

12. From the above it is crystal clear that if a workman's services are terminated on grounds of misconduct attached with stigma a domestic enquiry is a must. Admittedly the management held no enquiry. The plea of the management is that since the workman was a temporary casual badli workman and he had not swam into the harbour of S. 25F of the I.D. Act, no notice or retrenchment compensation or domestic enquiry was called for. I am unable to agree. I have already pointed out that the workman had already completed three months services on the date of his termination. Therefore as per the first proviso to Cl. (b) of S.O. No. 13 at least two weeks notice was necessary and further since his termination being for a major misconduct a domestic enquiry was required to fulfil the requirement of above stand, my orders and natural justice.

13. Parties have, however, adduced evidence before this Tribunal. I will, therefore, scrutinise the same. In order to prove misconduct management has relied on written affidavits of Kamla Singh, Head Security Guard (M.W. 1), Shyam Lal Security Guard (M.W. 2), P. K. Alex Driver (M.W. 3), M. P. Mishra Security Guard (M.W. 4) and Shri J. Y. Ghanekar (M.W. 5). In this connection, it is pertinent to note that as per the termination order (Ex. W/2) the workman had not only attacked and assaulted severely with lathi Shri Ghanekar, but also P. K. Alex Driver, Kamla Singh and Shyam Lal Security Guards. But the affidavits of these witnesses (except of Shri Alex Driver) go to show that they were dragged out and they could only hear the cries of Shri Ghanekar 'Bachao'. This shows that except Shri Alex Driver rest were not eye witnesses to actual incident. The solitary remaining witness Shri Alex Driver even could not stick to it. In his cross-examination he admitted "I only saw the crowd coming and nothing more. What transpired after the crowd came I do not know". Shri N. P. Mishra had only seen the crowd coming from a distant. As to the identity of the workman the evidence is also not reliable. According to cross-examination of M.W. 1 Kamla Singh, P. K. Alex (M.W. 3) and Shyam Lal (M.W. 2) they knew Pran Singh and he was working in Incline No. 1 and 2, while according to the management's case he was appointed and working in Incline No. 7 and 8 of the Mine. They were unable to give names of at least material miscreant persons along with Pran Singh. In fact, none of the witnesses (except Shri Ghanekar) in cross-examination stated that they were assaulted by Pran Singh. There is also doubt as to the identity of the workman, Pran Singh and his participation. On the other hand, Nelson (W.W. 1), Chandrika Prasad Tiwari (W.W. 2) and the workman Pran Singh (W.W. 3) proved the alibi of Pran Singh that at the time of incident he had not gone in the colliery office. I am inclined to believe this plea of alibi in view of very material fact for which Shri Ghanekar could not give any satisfactory explanation. Report dated 8-5-84 is the written F.I.R. of Shri Ghanekar which was reduced into writing by the officer Incharge of Police Station same day. In this F.I.R. name of the workman Shri Pran Singh is not mentioned at all. Thus looking to the discrepant and exaggerated story of the management I see no reason to disbelieve the defence plea that the workman was not present or at least was not the leader during this incident. The plea of learned Counsel for the management is that there is no reason why management will falsely implicate this workman is devoid of any substance. The stand taken by the management during evidence that he was a leader is not borne out even from the charge (Ex. W/2). But during the evidence this stand has been taken. In the circumstances I hold that even from evidence on record the misconduct is not proved. Therefore there can be no question of management losing confidence in him.

14. As a normal rule the workman is entitled to be reinstated. Question arises whether he is entitled to back wages or not. I find that the workman had put in service of three months ten days and he had not put in continuous service for one year. Therefore he had not sailed into the harbour of Sec. 25F of the I.D. Act. His services were temporary. Therefore he is entitled to be reinstated with continuity of

service only and not entitled to any back wages. Consequently I answer the reference as under :—

That the termination from services of Shri Pran Singh, S/o Shri Dashrath Singh Gourd of Jamuna 7 & 8 Mines, by the Sub-Area Manager, Majuna & Kotma Area of Western Coalfields Limited vide letter No. WCL/SAM/J&K/D-7/2584 dated 13/14-5-1984 without holding enquiry is not justified. He is entitled to be reinstated with continuity of service but without back wages. No order as to costs.

V. S. YADAV, Presiding Officer
[No. L-22012/60/85-D. V]

का. प्र. 1170—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसूचन में, केन्द्रीय सरकार व बिसरामपुर ग्रुप आफ माईन्स बिसरामपुर कोलियरी के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अतुल्य में निराश्रित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रस्तुत करने हैं, जो केन्द्रीय सरकार को 21-4-89 को प्राप्त हुआ था।

S.O. 1170.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bistrampur Group of Mines, Bistrampur Colliery and their workmen, which was received by the Central Government on the 21-4-89.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER, CENTRAL GOVERNMENT TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)
CASE NO. CGIT/LC(R) (147)/1987

PARTIES :

Employers in relation to the management of Bistrampur Group of Mines, P. O. Bistrampur Colliery District Surguja (M. P.) and their workman, Shri Ramjit, represented through the M. P. Kolya Mazdoor Sabha (HMS) P. O. South Jhagrakhand Colliery Dist. Surguja (M.P.)

APPEARANCES :

For workman/Union.—Shri N. L. Pandey.

For Management.—Shri V. D. Bhide.

INDUSTRY : Coal Mines DISTRICT : Surguja
(M.P.)

AWARD

Dated : April 12, 1989

By Notification No. L-21012/21/87.D.III(B) dated 3-7-1987 the Central Government in the Ministry of Labour referred the following dispute to this Tribunal, for adjudication :—

"Whether the termination of the services of Shri Ramjit, Ex-Trammer by the management

of Birsampur Group of Mines P.O. Birsampur Colliery District Surguja vide letter No. BJ/KI/13/85/2944 dated 28-3-85 is justified? If not, to what relief the workman is entitled for?"

2. The undisputed facts of the case are that Shri Ramjit was appointed vide order dated 30-9-1984 (Ex. W/1-Ex. M/1) and his services were terminated vide order dated 25-3-1985 (Ex. M/2=Ex. W/9).

3. The case of the workman further is that after the appointment he was given a job of Trammer on time rated pay and a selection list was also prepared at the time of the appointment. He was sponsored by the Employment Exchange on being called by the management vide letter dated 9/10-6-84 (Ex. W/2) on first occasion. Thereafter the management again felt to increase the strength of workers. Therefore the management again notified the Employment Exchange vide letter dated 9-9-1984. The total vacancies notified were 400 (300 plus 100). The workman therefore contends that he was not appointed for some exigencies or accidental nature of work. He was appointed after due notification of permanent vacancies considering all the aspects for increasing production and it was a planned and calculated manner. The workman concerned was engaged in the permanent nature of job and he worked with the management till his services were terminated vide order dated 25-3-1985 with effect from 31-3-1985. The workman further contended that the workman who were below in the selection list appointed along with him have been retained and their services are being continued by the management. The management adopted pick and choose policy. Management has therefore violated the principles of "last come first go". Therefore the action of the management in terminating the services of the workman is violative of the provisions of the I. D. Act and Article 14 and 16 of the Constitution a protection afforded to the workmen. The management has also not given one month's notice stating the reasons before terminating the services of the workman as required under Standing Order Clause 13. The workman is therefore entitled to be reinstated with all back wages and other benefits with costs.

4. The management further contended that since he was engaged on purely temporary basis as a Casual (Piece Rated) worker for a period of six months his services were terminated with effect from 31-3-1985 vide order dated 25-3-85 (Ex. W/9—Ex. M/2). The workman was never engaged as a Trammer. Therefore the reference as it made by the Government mentioning Shri Ramjit, Ex-Trammer is bad in law and therefore is liable to be rejected as the same is made mechanically and without application of mind.

5. The management also filed rejoinder and denied all the allegations made by the workman in his written statement.

6. Parties have filed documentary evidence and adduced oral evidence also.

7. The point for consideration before me is whether the termination of the services of Shri Ramjit by the management of Birsampur Group of Mines vide letter dated 28-3-85 (Ex. M/2) (The office order dated 25-3-85 terminating the services of 23 workers of Sub-Area Manager, Birsampur was circulated by the Colliery Manager vide letter dated 28-3-1985) is justified. If not, to what relief the workman is entitled?

8. I have gone through the documentary evidence. Ex. W/1—Ex. M/1 is the order of appointment dated 30-9-84 which shows that Shri Ramjit S/o Chakori was appointed as Casual (Piece Rated) worker with pay and allowance as per N.C.W.A. III. The appointment was purely temporary for a period of six months and the service of the workman will stand automatically terminated after expiry of the said period. He will be governed by certified standing orders (Coal Mines). Ex. W/2 is the notification of vacancies sent to the Jr. Employment Officer, Colliery Employment Exchange, Birsampur Colliery notifying 300 vacancies of Piece Rated Loader for Jainagar and Kumda of Birsampur Colliery (Sub-Area). The Employment Exchange was requested to sponsor the name of suitable candidates latest by 25-6-84 with a ratio of 5 (five) candidates for one post. Ex. W/3 is the list of persons appointment by the management out of the names sponsored by the Employment Exchange. Shri Ramjit S/o Chakoti is shown at Sl. no. 1. Ex. W/4 is a letter dated 22-9-84 addressed to Sub-Area Manager, Birsampur by the General Manager (BKP) Baikunthpur requesting him to take immediate action for notifying the vacancies with the Employment Exchange for recruitment in regard to general category of persons & ITI trainees totalling 766. Ex. W/5 is letter dated 9-9-84 by the Sub-Area Manager, Birsampur to the Junior Employment Officer, Employment Exchange, Birsampur, in continuation of earlier letter dated 9-6-84. It reads as under :—

"In continuation of our letter No. BJ/95/84/3893 dt. 9/10-6-84 this is to inform you that since our programme for increasing the production have been received and we are in pressure to increase the production as quickly as possible.

We will be required more manpower as such in the first lot instead of 300 persons we will be constrained to take approximately 400 persons out of the list which has already been sent to us and is under scrutiny."

9. The workman, Shri Ramjit gave his own statement on oath as W.W. 1 and stated that he is illiterate, he can only write his name. He was appointed for indefinite period and he was working as Trammer (Underground) in new Mines, Kumda. In his cross-examination he admitted that he was appointed vide order Ex. W/1 and he was stopped from work vide order Ex. W/9. He from the very beginning of his appointment worked as Trammer (Underground) and did not do any other work. On the other hand, management examined Shri Vikas T. Dattatreya Bhide, Senior Personnel Officer, Birsampur. In examination

in-chief he has stated that there was no appointment in place of Ranjit after his automatic termination or stoppage of work. In his cross examination he stated that to achieve the target of increased production persons were called for from the Employment Exchange and some of them were selected including Ranjit. Attendance of Underground worker is taken in Form C Register but place of working is not written in that register. Duty register is separately maintained in which the place of working of the workers is written. Duty Chart and Form C register is in the possession of the management. He has further admitted in his cross-examination that at what place Ranjit worked must be written in duty chart and total working of days and place in underground is recorded in the duty register. Trammer work is a permanent one. Casual workers are also deputed to look after the work of Trammer. Casual workers are appointed in the Civil Construction and stopping inside which means erection of a wall for diversion of the air. He has further admitted that after completion of six months continuous service, according to Standing Order Cl. 3(a)(vi) workers are treated permanent workmen and it is true that Ranjit worked continuously for six months. Workman has not given the form of acceptance of terms and conditions of appointment dated 30-9-84. After he saw the list Ex. W/3 he has stated that some workers are still working. All the other persons were also issued the appointment order like Ex. M/1 issued to Ranjit.

10. From the above documentary evidence and the statement on oath given by M.W. 1, Shri Bhide, Senior Personnel Officer, Bismampur, it is proved that a duty chart is maintained for workers who work underground which the management should have produced before this Tribunal to show that Shri Ranjit never worked underground as a Trammer as alleged by him. But this has not been done. Therefore an adverse inference is to be drawn and its basis coupled with the statement of workman it is proved that the workman, Shri Ranjit worked continuously for over six months inside the ground. It is also proved that some workers are still working in the mine whereas the services of the workman have been terminated. This shows that it was a permanent nature of job.

11. The workman has contended and argued that the management has not followed the provisions contained in S. 13 of Certified Standing Order. Therefore the termination of the applicant/workman is null and void. Clause 13 of the Certified Standing Orders reads as under :—

“S.O. No. 13 TERMINATION OF SERVICES :

(a) For terminating the services of a permanent workman having less than one year of continuous service, a notice in writing with reasons or wages in lieu thereof at the scale indicated below shall be given by the employer :—

(i) For monthly rated workmen One month.

(ii) For weekly/piece rated workmen..... Two weeks.

Provided that no such notice shall be required to be given when the services of the workmen are terminated on account of misconduct.

(b) Subject to the provisions of the Industrial Disputes Act, 1947 and the provision listed below no notice of termination of employment shall be necessary in the case of temporary and badli workmen.

Provided that a temporary workmen, who has completed three months continuous service, shall be given two weeks notice of the intention to terminate his employment if such termination is not in accordance with the terms of the contract of his employment.

Explanation : For the purpose of this Standing Order service means as provided in Section 25(B) (i) of the Industrial Disputes Act, 1947.

(c) No workman shall leave the service of an employer unless notice in writing is given at the scale indicated below :—

(i) For monthly-rated workmen..... One month.

(ii) For weekly/piece rated workmen..... Two weeks.”

On the other hand, management has contended that the workman was engaged only for six months. Therefore after six months his services automatically ceased, therefore his services were terminated as no notice is required for casual/contractual workman.

12. In his cross-examination Shri Vikas T. Dattatreya Bhide (M.W. 1) has admitted that after completion of six months continuous service, according to Standing Order Cl. 3(a)(vi) workers are treated permanent workmen. He has further admitted that Ranjit worked continuously for six months. It is an admitted fact that though the workman was employed only for six months but his services were continued after six months and admittedly his services were terminated after six months. Therefore according to the Standing Order his services could not have been terminated without following the provisions as contained in S.O. No. 13 (I) as he acquired the status of permanent workmen. If for the sake of arguments the workman is treated to be a piece rated workmen even then two weeks notice is required as he had admittedly completed three months continuous service. Therefore to my mind without following the provisions of Standing Order the termination of the workman is illegal, unjust and arbitrary as the services of the workman were not terminated on account of misconduct. Even the temporary workman is, according to the standing orders, required to give notice as provide in Clause 14(c) (i)&(ii).

13. The workman has alleged that the management has not followed the “last come first go” Rule. This contention has some substance. Shri Bhide has admitted in his cross-examination that “Out of the names mentioned in the list Ex. W/3 some workers are still working. All the other persons were also issued the appointment order like Ex. M/1 issued to Ranjit.” On this ground also the workman succeeds and his termination of service can said to be illegal or wrongful.

14. The workman has further contended that the management has violated the provisions of S. 24(B)(b)(i) of the I. D. Act. Section 25(B)(b)(i) of the I. D. Act reads as under :—

“25-B. Definition of continuous service—For purpose of this Chapter—

(2) where a workman in continuous service with the meaning of Clause (1) for a period of one year or six months, he shall deem to be in continuous service under an employer—

(a)

(b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) ninety-five days, in the case of a workman employed below ground in a mine; and

(ii) one hundred and twenty days, in any other case.

I have already held above that the management has not produced any document, register, duty chart to show that the workman has not worked underground as contended by him. I see no reason to disbelieve his statement on oath that from the very beginning of his appointment he was working inside the mine. Therefore he has actually worked below ground in a mine for more than ninety-five days. As such he is deemed to be in continuous service under an employer as per Sec. 25-B(2)(b)(i) of the I. D. Act.

15. For the above reasons I hold that the termination of services of Shri Ranjit S/o Shri Chakori, Ex-Trammer by the management of Bistrampur Group of Mines, P.O. Bistrampur Colliery, District Surguja vide letter No. BJKI/13/85-2944, dated 28-3-85 is unjustified being illegal. He is entitled to be reinstated as Trammer with full back wages and all their reliefs. No order as to costs.

V. S. YADAV, Presiding Officer

[No. L-21012/21/87-D.III(B)]

नं. आ. 1171.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार व सोडपुर कोलियरी मैजिस्ट्रेट ई. सी. वि. के प्रसन्नतंत्र के सम्बन्ध विवादों और उनके कर्मचारियों के बीच, अनुसूचन में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारिता के पंचसद को प्रकाशित करने है, जो केन्द्रीय सरकार का 20-4-89 का प्रस्ताव हुआ था।

S.O. 1171.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sodepur Colliery of M/s. Eastern Coalfields Ltd. and

their workmen, which was received by the Central Government on the 20-4-89.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 31 of 1983

PARTIES :

Employers in relation to the management of Sodepur Colliery, Messrs Eastern Coalfields Limited, Post Office Sunderchak (Burdwan)

AND

Their workmen

APPEARANCES :

On behalf of employers.—Mr. B. N. Lala, Advocate with Mr. A. K. Mondal, Personnel Officer.

On behalf of workmen.—Mr. Amallesh Mitra, Counsel with Mr. S. K. Bose, Advocate.

STATE : West Bengal. INDUSTRY : Coal.

AWARD

By Order No. L-19012(121)/82-D.IV(B) dated 14th June, 1983, the Government of India, Ministry of Labour and Rehabilitation (Department of Labour) referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Agent, Sodepur Colliery, M/s. Eastern Coalfields Ltd., P. O. Sunderchak (Burdwan) is justified in not paying underground allowance to S/Shri S. P. Goswami, P. K. Mukherjee, D. Singh, B. N. Mahata and G. Kar, VTC Instructor of Sodepur Colliery for all the working days ? If not, to what relief the workmen are entitled to and from which date ?”

2. The case as made out by the Union sponsoring the cause of the alleged workmen concerned named in the schedule to the reference in brief is as follows : The concerned workmen used to work and perform underground job as Overman and Foreman-in-charge in different collieries under the management of Eastern Coalfields Limited. They were transferred to Vocational Training Centre (VTC in short) at Sodepur to work as Instructor for the interest of the administration of the management. While they were in their previous jobs they used to enjoy the underground allowance as per the Mazumdar Award/L.A.T. Award. The workmen concerned in their capacity of Instructors for vocational training to the workers are required to go underground in the Mines. The management however arbitrarily stopped the payment of underground allowance to the workmen concerned for the full month and were paying only the underground allowance to them for the days they went to the underground.

3. The workmen concerned were holding their substantive post of underground workers, although they were brought to Sodepur VTC as Instructors. The underground allowance was the part of their monthly wages when they were transferred to the

VTC. The said privileges enjoyed by the workmen concerned cannot be curtailed. The underground allowance has been sanctioned to the workmen whose normal work is both on the surface and underground by the Mazumdar L.A.T. Award and NCWA-II has followed the said Award in this respect in principle. The management accordingly cannot stop or curtail the underground allowance which was enjoyed by the workman concerned. In some other units of the same management, the VTC Instructors are being paid underground allowance for the whole month. The action of the management in not paying underground allowance to the concerned workmen for the full month is illegal and unjustified. The dispute arisen out of the non-payment of such underground allowance to the workmen concerned was taken-up by their union. Conciliation was first attempted but failed and the failure report of the Conciliation Officer resulted in the present reference.

4. The management in their written statement has denied that the concerned workmen are the workmen as defined in section 2(s) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act). According to the management, the alleged workmen concerned being not the workmen, the reference is not maintainable. All the concerned employees, according to the management were appointed as VTC Instructors at Sodepur VTC with effect from their dates of such appointment. The Instructors of the VTC are not the workmen as defined in section 2(s) of the Act. The employees like S. P. Goswami and P. K. Mukherjee were Overman prior to their posting as VTC Instructors. B. N. Mahata and G. Kar were Foreman Incharge before their posting as Instructors in the VTC. All of the aforesaid four employees as Overman and Foreman Incharge were doing supervisory work, drawing such wages as would disentitle them to be the workman as defined in Section 2(s) of the Act. The employee D. Singh named in the reference was directly appointed as the VTC Instructor. The employees concerned therefore were not workmen according to the management. All the concerned employees were employed as VTC Instructors in the VTC at Sodepur which is the common training centre for a group of mines established under the Mines Vocational Training Rules, 1966 and the concerned employees are required to impart the training as per the Mines Vocational Training Rules. The Instructors of the VTC cannot be considered as the employees employed below ground, although they may require to go underground for a few days to impart training to the trainees. The said employees working as VTC Instructors are however being paid the underground allowance for the days they visit the underground as Instructors. The employee working underground in the mines can get the full month's underground allowance provided he works in the underground 50 per cent of the full month's working days but in no circumstances can get the full month's underground allowance by working less than 50 per cent of the working days in a month in underground as per the Mines Act and Rules there under and the circulars issued for the purpose. The claim of the employees concerned is therefore not tenable and the employees concerned are not entitled to any relief according to the management.

5. Both the management and the Union representing the concerned employees have adduced evidence, both oral and documentary. The first and foremost point as raised by the management before this Tribunal is that the employees concerned are not the workmen as defined in section 2(s) of the Act and that accordingly the reference itself is not maintainable and that this Tribunal has got no jurisdiction to adjudicate in the matter. Let me therefore decide this issue with regard to the maintainability and jurisdiction first.

6. The term "workman" has been defined in section 2(s) of the Act. The relevant portion of the said section is quoted here :

'(s) 'workman' means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with; or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person:—

(i)(ii)(iii)

(iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature".

7. There is no dispute to the fact that the employees, S. P. Goswami and P. K. Mukherjee used to work as Overman in the underground in the Sanctoria Colliery and Sodepur Colliery respectively before they were posted as Instructor in the VTC at Sodepur and that B. N. Mahata and G. Kar were working as Foreman Incharge in Sitalpur Colliery in the underground before their posting as Instructors in the said VTC. It is also an undisputed fact that the other employee D. Singh named in the reference was directly appointed as Instructor in the Sodepur VTC. The evidence of WW-1 S. P. Goswami (named in the reference) shows that he has been working as VTC Instructor since July, 1972; that P. K. Mukherjee has been working from 21-1-1974, B. Mahata from 11-1-1976 and G. Kar from 27-7-1977. The evidence of S. P. Goswami further shows that D. Singh was in the Sodepur VTC as Instructor when he joined there in 1972 as Instructor. According to the management's suggestion put to him, D. Singh was appointed as VTC Instructor in 1968.

8. WW-1 S. P. Goswami who has deposed on behalf of the employees concerned has admitted that all of them were posted in Sodepur VTC as Instructors. The question now comes in for decision is whether the Instructors of the VTC are the workmen as defined in section 2(s) of the Act. Mr. Lala ap-

pearing for the management has submitted that the instructors are not the workmen as defined in section 2(s) of the Act and in support of his such submission he has drawn my attention to the following decisions reported in (1) 1981 (1) LLJ, 61 (Miss. A. Sundaraambal v. Govt. of Goa Daman & Diu & others), (2) 1984 (1) LLJ 259 (Mr. Karthiyayani and others v. Union of India and others), (3) 1982 (1) LLJ 454 (Venkitaraman v. Labour Court, Ernakulam and others).

9. In the case reported in 1989 (1) LLJ 61, the Hon'ble Supreme Court observed as follows :

"...We are of the view that the teachers employed by educational institutions, whether the said institutions are imparting primary, secondary, graduate or post-graduate education, cannot be called as 'workman' within the meaning of Section 2(s) of the Act. Imparting of education which is the main function of teachers cannot be considered as skilled or unskilled manual work or supervisory work or technical work or clerical work.....We agree with the reasons given by the High Court for taking the view that teachers cannot be treated as 'workman' as defined under the Act..."

In the case reported in 1984 (1) LLJ 259 it has been observed by the Kerala High Court as follows :

"The physical part of teaching is, the oral instruction accompanied perhaps by visual representations, the correction of written work, the maintenance of records relating to them etc. The oral instruction accompanied by visual representations only manifest the intellectual activity whereby the product of the work of the brain and intelligence of the teacher is communicated to the pupil. The element of physical exertion involved in the correction of the written work of the students is also likewise of the intellect of the teacher. It cannot be asserted that even at this stage, the activity is predominantly physical. The physical part is only the manifestation of the predominant activity, which is intellectual in character. The physical or manual exertions are only accessory and incidental to the process of imparting knowledge which is predominantly an activity of the intellect. We cannot hold that the act of teaching is a mechanical and repetitive physical exercise rather than a process involving exercise of the intellectual and creative faculty of the individual teacher."

In the case reported in 1982 (1) LLJ 454, it has been observed by the Kerala High Court as follows :

"The question whether a teacher does any technical work is not free from doubt. Even so, from the nature of the normal work entrusted to him of imparting education to the wards under him for helping their intellectual and cultural evolution, advancement and development, and to prepare them to be dutiful citizens of the country,

it cannot be said that the work of a teacher is technical. Here again, Krishna Iyer, J., in the passage quoted above, after observing that teacher's work is not technical, qualified the statement by further observing :

"Nor are we too sure whether in our technological universe, education has to be excluded". There may be teachers who spend most of their times in the Laboratories. There may be teachers who spend most of their time in workshops. Though such works may be characterised as technical or involving technological expertise, what is really involved in the work is imparting of education to the students. By using the word "technical" what the statute intends is the technical work in the ordinary parlance which a person does and not the work that a teacher does.".....

10. It appears from the principles of law as laid down in the aforesaid decisions, that the teacher of an institution is not the workman as defined in section 2(s) of the Act. Now the question is whether the teacher means also the Instructor of the institution. The institution may be for imparting education, in general or imparting training to the trainees. To my mind there does not lie any differences between the teachers and the Instructor of an institution. Form No. 9 in Schedule XII of the Mines Vocational Training Rules, 1966, Ext W-7 framed under section 58 of the Mines Act, 1952 speaks of Training Officers and Instructors, although no rule in the Mines Vocational Training Rules refers to Instructors. Rule 20 of the said rules refers to Training Officer and Rule 22 refers to Trainers. Be that as it may, it undoubtedly appears from the Mines Vocational Training Rules, 1966 that there are the posts of Instructors under the aforesaid Rules and Form—9 of Schedule XII relates to the notice of appointment/termination of Training Officers and Instructors. It has already been stated that it is an undisputed fact that the employees concerned named in the reference were appointed as Instructors in the VTC and have been working as such. WW-1, S. P. Goswami has admitted in his evidence that the subjects of lectures and method of training are prescribed in the Vocational Training Rules in different schedules and that the basic guidelines are made through circulars from time to time. His evidence further shows that as Instructors of the VTC, they instruct others about how to measure correct length of the prop and how to take heavy load and how to lay track properly and that their main duty is to instruct the others by using own physical skill as to how the above work should be done. His evidence further shows that on the surface they impart only the theoretical portion of the underground work. He has further stated in his evidence that the trainers work under their direction and they give training of technical knowledge. MW-1 A. Mondal, the Deputy Chief Mining Engineer has stated in his evidence that the nature of the job of the employees concerned is to teach the persons employed in the mines and that they teach in the VTC.

11. In view of what has been stated above and regard being had to the nature of duties, to be done by the Instructors, I find that the employees concerned as Instructors are nothing but teachers and that they are not workmen as defined in section 2(s) of the Act.

12. Mr. Mitra appearing for the alleged workmen concerned has submitted that as the employees S.P. Goswami and P. K. Mukherjee were the Overman before their transfer to the post of Instructors and as the employees B. N. Mahata and G. Kar were the Foreman Incharge before their transfer to the post of instructors, they are in the substantive post of Overman and Foreman Incharge respectively and that accordingly they are the workmen in view of the Mazdoor Award conferred by the labour Appellate tribunal, Mr. Lala has challenged such submission of Mr. Mitra and has urged before this Tribunal that the post of Instructors in the VTC are quite different from the post of the Overman and Foreman Incharge, although their scale of pay may be the same and that the posting of the aforesaid employees to the VTC as Instructors has ceased the character of the post of Overman and Foreman Incharge as the case may be. Mr. Lala has further submitted that according to the decision of this Tribunal presided over by Mr. Justice E. K. Moidu, on due consideration of the Mazumdar Award, the Overman has been found to be not the workman as defined in section 2(s) of the Act. Mr. Lala has produced the plain copy of the award passed by Mr. Justice E. K. Moidu in Reference No. 13 of 1976 and the Reference No. 17 of 1976 which were heard analogously with some other applications of the Labour Court, in support of his such submission. Mr. Lala has filed another plain copy of the Award passed by Mr. Justice M.P. Singh in Reference No. 3 of 1980 in relation to Mining Sardar, who was also found to be not the workman as defined in section 2(s) of the Act in contrast to the Mazumdar Award. The said copy of the Award in respect of the Mining Sardar is not relevant in our case as the employees concerned in the present case were the Overman and Foreman Incharge. Mr. Mitra on the other hand has produced one plain copy of the Award of Mr. Justice M. P. Singh in Application No. LC-20 of 1980 under section 33C(2) of the Act to show that the employer cannot stop or curtail the underground allowance of the workmen who used to get the same as conditions of service without changing the condition of service in pursuance of section 9A of the Act. The said copy of the Award is also not relevant to determine whether the Overman and Foreman Incharge are the workmen as defined in section 2(s) of the Act.

13 I have already given the decision that all the 5 employees concerned including S. P. Goswami and P. K. Mukherjee, who were Overman before their posting as Instructors and B. N. Mahata and G. Kar, who were Foreman Incharge before that posting as Instructors, are not the workmen as defined in section 2(s) of the Act because of their present posting as Instructors. Even if it be assumed for the shake of argument as advanced by Mr. Mitra appearing for the employees concerned that S.P. Goswami and P. K. Mukherjee are still holding the substantive post of Overman and that B. N.

Mahata and G. Kar are holding the post of Foreman Incharge, then also I find that they are not the workman as defined in section 2(s) of the Act because of the following reasons, which find support from the decision of Mr. Justice E. K. Moidu in the Award as already mentioned. The relevant portion of section 2(s) of the Act as already quoted may be referred to in this connection, "workman" means any person employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward but does not include any such person who being employed in a supervisory capacity draws wages exceeding Rs. 1,600 per mensem after amendment of earlier Rs. 500 or exercises either by nature of the duties attached to the office or by reason of the powers vested in him functions mainly of managerial nature. In determining the question as to whether a person is employed in a supervisory capacity or otherwise mere description is not decisive of the nature of the employment. The question whether a person is employed in supervisory capacity or clerical work depends upon whether the main and principal duties carried out by him are those of a supervisory character or of a nature carried out by clerk or other persons specified in section. If a person is doing mainly supervisory work but incidentally or for a fraction of time does also some clerical work he would be deemed to be employed in a supervisory capacity and conversely if the main work done is of clerical nature, the mere fact that some supervisory duties also carried out incidentally or a small fraction of the work done by him, will not convert his employment as a clerk into one in supervisory capacity. This is the line of approach which the Supreme Court made in Ananda Bazar Patrika (P) Ltd. and its workmen reported in 1969 (II) LLJ 670. The relevant passage in that Award is quoted here :

"The question whether a person is employed in a supervisory capacity or on clerical work in our opinion depends upon whether the main and principal duties carried out by him are those of supervisory character or of a nature carried out by a clerk. If a person is mainly doing supervisory work but incidentally or for a fraction of the time also does some clerical work it would have to be held that he is employed in supervisory capacity and conversely if the main work done is of a clerical nature the mere fact that some supervisory duties are also carried out incidentally or as a small fraction of work done by him will not convert his employment as a clerk into one in supervisory capacity".

In a later decision in the case of Burmah Shell Management Staff Association and Others reported in 1970 (II) LLJ 590 it has been observed as follows :

"Frequently, however, an employee is required to do more than one kind of work. He may be doing manual work as well as supervisory work, or he may be doing clerical work as well as supervisory work. He may be doing technical work as well as clerical work. He may be doing technical work

as well as supervisory work in such cases, it would be necessary to determine under which classification he will fall for the purpose of finding out whether he does not go out of the definition of "workman" under the exceptions. The principle is now well-settled that, for this purpose, a workman must be held to be employed to do that work which is the work he is required to do, even though he may be incidentally doing other types of work."

14. The question whether the Overman is the workman as defined in section 2(s) of the Act came up for consideration before the All India Industrial Tribunal (Colliery disputes) which was presided over by Mr. Justice J. M. Mazumdar who passed his Award on 15-3-1956. That Tribunal held that Overmen were skilled manual worker. So according to the Mazumdar Award Overman was workman as defined in section 2(s) of the Act. Mr. Justice E. K. Moidu, as mentioned above has observed that the decision in the Mazumdar Award was made on the basis of the then bye-laws but not on the basis of the Coal Mines Regulation, 1957. Mr. Justice Moidu has further observed that the decision in the Mazumdar Award was also not on the basis of the amended provisions of section 2(s) of the Act. He has further observed that Mazumdar Award cannot operate as res judicata on the issue to be decided in the instant case on the changed circumstances both in facts and law. I share the opinion of Mr. Justice E. K. Moidu in this respect. As per Regulation 2(22) of the Coal Mines Regulation, 1957 "overman" means a person possessing a manager's or overman's certificate who is appointed by the manager in writing under any designation what-so-ever to perform the duties of supervision or control in a mine or part thereof and is as such superior to a sardar. The duties and responsibilities of the Overman have been specified in Regulation 43. It appears from a perusal of the duties and responsibilities that Overman's main duties are to supervise the work of persons working in the underground of the mine.

15. Rule 46 (clause c) of the Indian Mines Rules, 1955 has enjoined amongst others that for the purpose of section 37 of the Mines Act, 1952, the Overman and Foreman shall be deemed to be the persons holding the position of supervision or management or employed in a confidential capacity. Section 37 of the Mines Act, 1952, deals with supervising staff and has restricted the application of same sections as mentioned therein to the persons who can by rules be defined to be persons holding the position of supervision or management or employed in a confidential capacity. On due consideration of all the relevant provisions and duties and responsibilities earmarked for the Overman and Foreman Incharge, I in agreement with Mr. Justice E. K. Moidu, hold that Overman and Foreman Incharge are employed in Supervisory capacity. The wage-sheets Ext. M-11 show that monthly wages of S. P. Goswami, P. K. Mukherjee, B. N. Mahata and G. Kar are more than Rs. 1,600. So Clause (iv) to section 2(s) of the Act takes the said employees out of the category of the workman even if it be assumed for the sake of the argument that they are substantially holding the post

of Overman and Foreman Incharge, although they are holding the post of Instructors.

16. In view of what has been discussed above, I find that the employees are not the workman as defined in section 2(s) of the Act and accordingly this Tribunal cannot adjudicate the dispute raised by them. The reference is thus found to be maintainable and this Tribunal accordingly has not no jurisdiction to adjudicate the present reference.

17. WW-1 S. P. Goswami has admitted in his evidence that circulars issued from time to time by the Chief Inspector of Mines (designation changed to Director General of Mines Safety) bind the employees concerned. It is an undisputed fact that the place of work of the Overman and Foreman Incharge is in the underground of the mine. The persons employed below ground has been defined in section 2(2) of the Mines Act, 1952. It is also an undisputed fact that the person working in the underground would get the underground allowance. The management has come with the plea that the persons working in the underground would get the full month's underground allowance provided he works 50 per cent of the month's working days in the underground. Otherwise he will get the underground allowance for the days he works in the underground. Mr. Lala in support of such plea of the management has produced the Circular No. 16 of D.G.M.S Circulars Ext. M-9. The said circular No. 16 supports the aforesaid plea of the management. The chart showing the attendance of the concerned employees in the underground as Instructors of the VTC is Ext. M-10. It appears therefrom that the employees-concerned did work in the underground less than 50 per cent of the working days in a month. The concerned employees have tried to show that in Sitalpur VTC under the same management, the VTC Instructors are getting full month's underground allowance. The documentary evidence Ext. M-9, shows that the employees concerned worked in the underground 13 days out of the total working days of 26 in a month. Such being the position, the Instructors concerned were rightly paid the full month's underground allowance.

18. In consideration of all the materials in the record and all the facts and circumstances as revealed in this case. I hold that the employees concerned as Instructors of the VTC are not entitled to the full month's underground allowance even if they are treated as the workman as defined in section 2(s) of the Act for the sake of argument unless they work in the underground 50 per cent of the working days in a month and the action of the management as mentioned in the Reference in such a case is not found to be unjustified.

This is my Award.

SUKUMAR CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 11th April, 1989.

[No. L-19012/121/82-D.JV(B)]

का. प्रा. 1172 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व भारतीय खाद्य निगम के प्रबन्धन से सम्बद्ध निरोधकों और उनके कर्मचारियों के बीच, प्रबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अबलपुर, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-4-89 को प्राप्त हुआ था।

S.O. 1172.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kusumda Project of M/s. S.E.C. Ltd. and their workmen, which was received by the Central Government on the 21-4-1989.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.).

Case No. CGIT/LC(R)(172)/1987

PARTIES :

Employers in relation to the Management of Kusumda Project of SECL, Post Kusumda, Distt. Bilaspur (M.P.) and their workman Shri Brijdas, Coal Cutter Machine Operator through the General Secretary, Chhattisgarh Khadan Karkhana Mazdoor Union, P.O. Bankimongra, Distt. Bilaspur (M.P.).

APPEARANCES :

For Workman.—Shri Rambilas Shobhnath.

For Management.—Shri P. S. Nair, Advocate.

INDUSTRY : Coal DISTT. Bilaspur (M.P.)

AWARD

Dated, the 3rd April, 1989

By Notification No. L-21012/102/86-D.III(B), dated 12-8-1987, the Central Government in the Ministry of Labour referred the following dispute for adjudication under Section 10(1)(d)(2A) of the I.D. Act, 1947 :—

SCHEDULE

“Whether the action of the management of Kusumda Project of SEC Ltd., Post Kusumda, Distt. Bilaspur (M.P.) in stopping Shri Brijdas, Coal Cutter Machine Operator from work from 16-12-1985 to 23-2-1986 was justified? If not, what relief is the workman entitled to?”

2. On receipt of the reference order, parties filed their pleadings and documents relied by them. The concerned workman adduced his evidence on affidavit on 17-2-1988 and the case was fixed for cross-examination of the workman and evidence of the management. On 16-9-1988 parties requested for time as they were negotiating for a mutual settlement

and ultimately on 15-2-1989 the parties filed and verified a memorandum of settlement.

3. The terms of settlement are as under :—

Terms of Settlement

1. That the Union namely Chhattisgarh Khadan Karkhana Mazdoor Union, Banki Mogra wishes to withdraw the dispute regarding stoppage of Shri Brijdas from 16-12-1985 to 23-2-1986 and the Union hereby withdraws the dispute.

2. In consideration of the demand made by the Union, the management agrees to pay to the Union/workman concerned a sum of Rs. 3,000/- being the amount payable towards wages, and all other dues to the said workman in full and final settlement of his claim. The amount will be paid to the workman within one month.

3. The union or the workman concerned will not claim anything more than the above amount of Rs. 3,000/- and all the dispute between the parties regarding stoppage of Shri Brijdas stands settled with the above settlement and the Union or the workman concerned will not raise any claim whatsoever before the management or any other authority or Court in connection with the said dispute of Shri Brijdas.

4. I have perused the terms of settlement and am of the opinion that they are fair, reasonable, just and in the interest of workman concerned as well as the Union who raised the dispute. Therefore I give my award in terms of the above settlement without any order as to costs.

V. S. YADAV, Presiding Officer.
[No. L-21012/101/86-D.III(B)]

का. प्रा. 1173 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व भारतीय खाद्य निगम के प्रबन्धन से सम्बद्ध निरोधकों और उनके कर्मचारियों के बीच, प्रबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-89 को प्राप्त हुआ था।

S.O. 1173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on the 19-4-1989.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 78/88

PARTIES :

Employers in relation to the Management of Food Corporation of India.

AND

Their Workman : Achra Singh

APPEARANCES :

For the Workman.—None.

For the Management.—Shri N. K. Zakhmi.

INDUSTRY : F.C.I.

STATE : Punjab

AWARD

Dated 16th March, 1989

On a dispute raised by Workman of Food Corporation of India, Central Government had been pleaded to make the following reference vide No. L-42012/194/86-D. II. B/D. IV(B) dated the 6th October, 1988 to this Tribunal.

“Whether the action of the Management of Food Corporation represented through the Sr. Regional Manager, Food Corporation of India, Chandigarh in reducing the rank from A.G. III(D) to the post of Watchman to Sri Achra Singh, is justified? If not, to what relief the workman is entitled?”

2. None has put up appearance on behalf of the workmen. Workman was represented on the last date by Shri P. K. Singla who the proceedings were adjourned from 22-2-89 for today i.e. 16-3-1989 Reference proceedings are therefore, filed for want of prosecution. Central Government be informed accordingly.

Chandigarh :

16-3-1989.

M. S. NAGRA, Presiding Officer
[No. L-42012/194/86-D. II(B)/D. IV(B)]

का. प्र. 1174 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार व दलुर्बन्द ओ सी. पी. के प्रबन्धन के सम्बन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार के बीच प्रबन्धन में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार के पक्षों को प्रकाशित करने हेतु, जो केन्द्रीय सरकार को 20-4-89 को प्राप्त हुआ था।

S.O. 1174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Dalurband OCP and their workmen, which was received by the Central Government on the 20-4-89.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 13 of 1987

PARTIES :

Employers in relation to the management of Dalurband OCP, P.O. Pandaveswar, District Burdwan.

APPEARANCES :

On behalf of employers.—Mr. P. Banerjee, Advocate.

On behalf of workmen.—None.

STATE : West Bengal

INDUSTRY : Coal

AWARD

By Order No. L-19012(23)/86-D. IV(B) dated 31st December, 1986, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Dalurband OCP, P.O. Pandaveswar, District Burdwan in dismissing Shri Ashoke Tiwari is justified? If not, to what relief the workman concerned is entitled?”

2. When the case is called out today, Mr. P. Banerjee, Advocate appears for the management and draws my attention to the Joint Petition of Compromise, duly signed by the parties filed on 7th March, 1989. He prays for an Award in terms of the Joint Petition of Compromise. Considered the said Joint Petition of Compromise as well as the submission of Mr. Banerjee. The terms of the Joint Petition of Compromise appear to be fair, reasonable and in the interest of the parties. I therefore, accept the same and pass an ‘Award’ in terms of the said Joint Petition of Compromise which do form part of this Award as Annexure ‘A’.

This is my Award.

Dated, Calcutta,

The 12th April, 1989.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-19012/23/86-D. III(B)]

ANNEXURE ‘A’

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, CALCUTTA

Ref. No. 13 of 1987

PARTIES :

Employers in relation to the Management of—

Dalurband OCP.

&

Their workman (Ashok Tewari of Dalurband OCP).

The parties above named respectfully beg to submit :—

(1) That the above case has been filed for hearing on 12-4-1989.

(2) That the parties have arrived at a settlement and the terms of said settlement are incorporated in a—memorandum of settlement necessary copies of which are annexed here—

- (3) That for ends of justice an Award is required to be passed in terms of said settlement and the parties.

respectfully pray for the same

Dated : 6-3-1989.

(1) Avtar Krishan Kalhan

(1) A. K. Kalhan
General Manager,
Kasta Area.
Employer.

(2) Bijoy Kumar Roy,
Sr. Personnel Officer,
Kasta Area.

FORM H

(See Rule 58)

Form of Memorandum of Settlement

NAME OF PARTIES :

- (1) Shri A. K. Kalhan, General Manager, Kasta Area, Eastern Coalfields Ltd.

REPRESENTING EMPLOYERS :

- (2) Shri B. K. Roy, Sr. Personnel Officer, Kasta Area, P.O. : Kankortola, Distt : Birbhum.

REPRESENTING OF WORKMEN :

- (1) Sri Shobha Kant , President of Koyla Mazdoor Congress.
(2) Sri Ashok Tewari—The concerned workman, Ex-Clerk of Dalurband OCP.

Short recital of the Case :

1. Sri Ashok Tewari was serving as a Clerk in the Personnel Deptt. of Dalurband OCP w.e.f. 20-5-1982.
2. Said Sri Tewari was dismissed as the Management found him quality of misconduct as alleged in Charge sheet bearing No. CS/SPO/34/1476 dt. 17-8-1982 in a domestic enquiry held in connection with same.
3. Subsequently at the behest of Koyla Mazdoor Congress the accredited union of the Concerned workman. The said dismissal order was challenged at the conciliation level and finally it resulted in reference and it was registered as Reference case No. 13/87 of The Central Govt. Industrial Tribunal, Calcutta.
4. During pendency of the said reference case. The parties conciliate over the dispute and finally arrived at a settlement on the terms appended hereunder.

Terms of Settlement

1. That said Sri Ashok Tewari— will be reemployed in his old substantive post as Clerk in Dalurband OCP subject to the following conditions :—
(a) That said Sri Tewari will have no claim for any back wages or any other financial

benefit including gratuity for the period from the date of preceeding to his date of his dismissal till the date of resumption of duty and his absence for the said days shall be taken/deemed as days non-est.

- (b) That a Copy of this compromise petition shall be filed before the said Hon'ble Tribunal by the parties in the said reference case with a prayer for making an Award in terms of this compromise petition.
- (c) That the Concerned workman shall be reemployed within one month from the date of this Award.
- (d) That the concerned workman shall not have any claim in any Form except in the mode and manner described above in the matter of and/or arising out of the said dispute.

Signed this 6th day of March, 1989.

Witnesses :

Sd/- (Illegible)

Sd/- (Illegible)

Signature of the employer :

Sd/- (Illegible)

(1) _____

Signature of the employee.

Sd/- (Illegible)

(2) _____

का. प्रा. 1175 —औद्योगिक विवाद अधिनियम, 1947 (1949 का 14) की धारा 7 के अनुसरण में, केन्द्रीय सरकार मैसर्स एस. ई. सी लि. रामनगर कोलियारी के प्रबन्धकों के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में विविष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण जबलपुर को पंचपट को प्रकाशित करती है, जो केन्द्रीय को 21.4.89 को प्राप्त हुआ था।

S.O. 1175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ramnagar Sub-Area of S.E.C. Ltd. and their workmen, which was received by the Central Government on the 21-4-1989.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR (M.P.)

CASE No. CGIT/LC(R)(124)/1987

PARTIES :

Employers in relation to the Management of Ramsagar Sub-Area of SECL, P.O. Ramnagar Colliery, Distt. Shahdol (M.P.) and

their workman Shri Sewak Singh, Ex-Chowkidar through the General Secretary, M.P. Koyla Mazdoor Sabha (BMS), P.O. Sough Jhagrakhand Colliery, Distt. Surguja (M.P.).

APPEARANCES :

For Workman—Shri N. L. Pandey.

For Management.—Shri P. S. Nair, Advocate.

INDUSTRY : Coal. DISTRICT : Shahdol (M.P.).

AWARD

Dated 4-4-1989

The Central Government in the Ministry of Labour has referred the following dispute for adjudication to this Tribunal vide Notification No. 21012/24/87-D-III(B), dated the 15th September, 1987 under Sub-section (2A) of Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

SCHEDULE

“Whether the stoppage of work and non-regulation of the services of Shri Sewak Singh, Ex-Chowkidar of Ramnagar Colliery by the management of the Sub-area Manager of Ramnagar Colliery of SECL, Post Ramnagar Colliery, Distt. Shahdol is justified? If not, what relief is the workman entitled to?”

2. After the receipt of the reference order, parties filed their pleadings and the case was fixed for filing documents and evidence. On 29-2-1988 parties stated that they are trying to get the matter settled mutually and after several adjournments filed a memorandum of settlement on 28-12-1988 which was verified by both the parties on 17-1-1989.

3. The terms of settlement are as under :—

TERMS OF SETTLEMENT

1. Agreed that Shri Sewak Singh S/o Kairnal Singh will be taken on employment from 1-8-1988 as General Mazdoor Cat. I subject to medical fitness.
2. That Shri Sewak Singh shall have no claim for back wages and other benefits whatsoever arising out of past employment.
3. That this a full and final settlement of the dispute and it shall not be reopened at any stage.
4. That parties will file a copy of this settlement before the Hon'ble Presiding Officer, CGIT, Jabalpur in the reference case No. CGIT/LC(R)(124)/87 to give award in the terms of settlement thereof.

4. I have gone through the terms of settlement and in my opinion they are just, fair, reasonable and in the interest of the workman concerned and the Union representing the workman. Therefore, I give my award in terms of the above settlement without any order as to costs.

V. S. YADAV, Presiding Officer
[No. L-21012/24/87-D-III(B)]
R. K. GUPTA, Desk Officer

आदेश

नई दिल्ली, 27 अप्रैल, 1989

का. आ. 1176—राजभाषा (संघ के शासकीय प्रयोजन के लिए प्रयोग) नियम, 1976 के नियम 8 के उप-नियम (4) के अनुसरण में केन्द्रीय सरकार कर्मचारी राज्य बोसा नियम के माध्य प्रदेश और गुजरात के क्षेत्रीय कार्यालय और इस निदेशालय (बिकिरस) दिल्ली को ऐसे अधिसूचित कार्यालय बिनिरिष्ट करती है जिनके से सभी कर्मचारी जिन्हें हिन्दी में प्रवीणता प्राप्त है इस आदेश के सरकारी राजपत्र में प्रकाशन की तारीख से संलग्न अनुसूची में बिनिरिष्ट सभी सरकारी कामकाज में टिप्पण, प्रारूपण और अन्य सभी शासकीय प्रयोजनों के लिए केवल हिन्दी का प्रयोग करेंगे।

2. इस आदेश का यह अर्थ नहीं दिया जाएगा कि उक्त भाषाओं में हम नियम या किसी अन्य विधि के अधीन किसी अन्य भाषा का प्रयोग करना आवश्यक या अपेक्षित है। बल्कि अन्य भाषा का उक्त कार्यालय के सरकारी कामकाज में प्रयोग नहीं किया जाएगा।

अनुसूची

क्रम सं.	क्षेत्र का नाम	भाषा/प्रभाग	हिन्दी में किए जाने वाले कार्य का स्वकल्प/प्रकार
1	2	3	4
1.	मध्य प्रदेश	प्रशासन शाखा	निम्नलिखित में संबंधित मामले 1. कर्मचारियों को नियुक्ति, तैनाती, पदोन्नति/स्थानांतरण। 2. अनुसूचित जातियों / अनुसूचित जन जातियों। 3. अधिव्य निधि भ्रमि की प्रस्थाई अंतिम निकाली। 4. मुख्यालय कार्यालय से प्राप्त अनुदेशों को भरेखित करना। 5. स्थानीय समितियों और क्षेत्रीय बोर्डों की बैठकें। 6. छुट्टी। 7. दौरा कार्यक्रमों / प्रशिक्षण का अनुमोदन। 8. त्रैमासिक / अर्द्ध वार्षिक टाईमराईटिंग परीक्षा / अवर श्रेणी लिपिक / उच्च श्रेणी लिपिक के लिए खाली / विज्ञापनी परीक्षा। 9. छुट्टी यात्रा रियायत / बेलन / स्पीडर / मोटर गाड़ी / साइकिल संबंधी भ्रमि और छुट्टी के बदले तकब लेना। 10. सेवा पत्रियों में प्रविष्टियां
	रोकड़ शाखा		निम्नलिखित से संबंधित मामले:— 1. बिलों का बनाना। 2. विभिन्न बिलों से संबंधित पत्र व्यवहार। 3. निकाली गई निधियों में स्थानीय कार्यालयों की निधियों का स्थानांतरण।

1	2	3	1	2	3
		4. मांगी गई राशियों का निपटान।			8. बीमाकृत व्यक्तियों की शिकायतों का निपटान करना।
		5. लेखा परीक्षा आपत्तियों का निपटान।			9. डाक्टरों का चिकित्सा बोर्ड फीस का भुगतान करना।
सामान्य शाखा	निम्नलिखित से संबंधित मामले :-	1. टेंडर जारी करना।	बीमा-I शाखा	निम्नलिखित से संबंधित मामले	1. सी-18 जारी करना।
		2. लेखन सामग्रों की खरीद /	2. गुजरात प्रशासन शाखा	निम्नलिखित से संबंधित मामले :-	1. अवकाश की स्वीकृति।
		3. पुस्तकों की खरीद और आपूर्ति।			2. अर्जित अवकाश का नकद भुगतान
		4. सामान्य वस्तुओं / वदियों उपकरणों/फर्नीचर / बिगड़ने वाली वस्तुओं आदि की खरीद।			3. सामान्य भविष्य निधि से अग्रिम
वित्त एवं लेखा शाखा	निम्नलिखित से संबंधित मामले :-	1. बैंक जारी करना।			4. स्थोहार अग्रिम
		2. पी. डी. बी. / डी. बी. दरों का सत्यापन।			5. वार्षिक बेटन वृद्धि और दक्षता रोध
		3. रोकड़ वही खाता संख्या 2 का रखरखाव और बैंक समाधान विवरणियाँ।	रोकड़ शाखा	निम्नलिखित से संबंधित मामले :-	6. सेवा पंजी में प्रविष्टियाँ।
अंशदान शाखा एवं अंशदान शाखा (नकद)	निम्नलिखित से संबंधित मामले :-	1. एसिक - 38 रजिस्टर में प्रविष्टियाँ।			1. चिकित्सा व्यय प्रविष्टियाँ।
		2. बीमा संख्याओं के खंडों (ब्लक्स) का स्थानीय शाखाओं की स्थानान्तरण।			2. यात्रा भत्ता / दौरा भत्ता बिल।
		3. बीमा दूत व्यक्तियों के अंतः क्षेत्रीय/स्थानीय स्थानान्तरण के मामले।			3. अवकाश यात्रा रियायत बिल
		4. पुनः पात्रता और निर्गम सूचियों का प्रेषण।	वित्त एवं लेखा शाखा	निम्नलिखित से संबंधित मामले :-	1. लेजर / खाता संख्या-1 में चलान की प्रविष्टियाँ।
बीमा - 2 शाखा	निम्नलिखित से संबंधित मामले :-	1. विस्तारित बीमारी हितलाभ की दरों का अनुमोदन।	बीमा शाखा	निम्नलिखित से संबंधित मामले :-	1. लेजर / सी. जी. रजिस्टर में चलान की प्रविष्टि।
		2. दुर्घटनाओं के मामले की मंजूरी।	स्था. कार्यालय	निम्नलिखित से संबंधित मामले :-	रोकड़ बहियाँ लिखना।
		3. प्रसूति हितलाभों और अंत्येष्टि हितलाभों के मामलों में प्रकाश करना।	3. निदेशालय (चिकित्सा) दिल्ली।	स्थापना शाखा	निम्नलिखित से संबंधित मामले :-
		4. स्थाई अर्पणता निर्धारण हेतु चिकित्सा बोर्ड को भिजवाए गए मामले।			1. कर्मचारियों की नियुक्ति/ तैनाती / पदोन्नति / स्थानान्तरण।
		5. स्थाई अर्पणता/अश्रितजन के हितलाभों अंतः क्षेत्रीय/स्थानीय स्थानान्तरण के मामलों के बारे में प्रकाश करना।			2. अर्जित अवकाश / अर्धवेतन अवकाश / प्रसूति / असाधारण छुट्टी।
		6. अश्रितों के लाभों का निपटान करना।			3. छुट्टी यात्रा रियायत / बेटन / स्थोहार / साईकिल, स्कूटर, कार अग्रिम और छुट्टी के बदले नकद भुगतान।
		7. पी. डी. डी. के भुगतान की गणना करना।			4. परिवीक्षाधीन अवधि की समाप्ति पर आदेश।
					5. सेवा पुस्तिकाओं में प्रविष्टियाँ।

1	2	3	1	2	3
		6. त्रैमासिक / अर्धवार्षिक टाईपराईटिंग परीक्षा अवर श्रेणी लिपिक, उच्च श्रेणी लिपिक अनुसूचित जातियों / अनुसूचित जनजातियों के के लिए खुली विभागीय परीक्षा।	केन्द्रीय भण्डार		निम्नलिखित से संबंधित मामले :—
		7. सामूहिक बीमा योजना का कार्य।			1. फार्म व लेखन सामग्री की छपाई।
		8. वार्षिक गोपनीय रिपोर्ट में पायी गई कमियों वा दोषों की प्रतिकूल टिप्पणियां।			2. अग्रिम फुटकर बिलों वा लेखा शाखा में भेजना।
		9. मुख्यालय से प्राप्त अनु-देशों को अग्रेषित करना।			3. टेन्डर आमन्त्रित करना।
		10. विशेष वेतन की मंजूरी			4. कम्पनियों को भेजे जाने वाले लिफाफों पर पते लिखना।
		11. वेतन निर्धारण			5. सामान्य वस्तुओं/बंदियों/उपकरणों/कर्मचार नष्ट होने वाली वस्तुओं आदि की खरीद।
		12. घ वर्ग के कर्मचारियों से संबंधित अनुशासनात्मक कार्रवाई।			
रोकड़ शाखा		निम्नलिखित से संबंधित मामले :—			वित्त एवं लेखा शाखा निम्नलिखित से संबंधित मामले :—
		1. बिलों का बनाना।			1. अधिकारियों का वेतन पत्रों जारी करना।
		2. भविष्य निधि अग्रिम की अस्थायी/अन्तिम निकाली सामान्य भविष्य निधि में प्रवेश तथा नामांकन।			2. आम्तरिक लेखा परीक्षा रिपोर्ट पर कार्रवाई करना।
		3. बिलों से संबंधित पत्र व्यवहार।			3. वर्ग ग व घ कर्मचारियों के वेतन बिलों संबंधी पत्राचार।
		4. प्रेषण अनुमान द्वारा भेजे जाने वाले पत्रों पर पते लिखना।			4. रजिस्ट्रों में प्रविष्टियां किया जाना।
चिकित्सा शाखा		निम्नलिखित से संबंधित मामले :—			निदेशालय (चि.) निम्नलिखित से संबंधित मामले :—
		1. बीमाकृत व्यक्तियों के औषधालय परिवर्तन संबंधित कार्य।			के अधीन औषधालय 1. मरीजों से प्राप्त शिकायतें।
		2. बीमाकृत व्यक्तियों से प्राप्त शिकायतें।			2. रजिस्ट्रों में पंजीकरण तथा बाह्य रोगी विभाग की बाह्य रोगी विभाग पत्रियां हिन्दी में जारी करना।
		3. मासिक रिपोर्टों के अनुस्मारक।			3. बीमाकृत व्यक्तियों को जारी चि. प्रमाणपत्रों को स्थानीय कार्यालयों में भेजना।
		4. चिकित्सा अधिकारियों के आकस्मिक अवकाश।			4. दुर्घटना रिपोर्टों संबंधी पत्र व्यवहार।
		5. चिकित्सा अधिकारियों की नियुक्ति/तैनाती / पदोन्नति/स्थानान्तरण।			5. बीमाकृत व्यक्ति की प्रभावी त्नी संबंधी रजिस्ट्रों में प्रविष्टियां करना।
		6. हिन्दी कार्यशालाओं के लिए नामित करना।			
		7. नसबन्दी प्रमाण पत्र।			
		8. रोगी वाहनों से संबंधित कार्य।			
		9. बीमाकृत व्यक्तियों द्वारा दवाई आदि पर खर्च की गई राशि की प्रति-पुति।			

[सं. ई-110127/89-एल. एल. -I]

मोक्ष गुप्ता, निदेशक

ORDER

New Delhi, 27th April, 1989

S.O.1176.—In pursuance of sub-rule (4) of rule 8 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby specifies that the employees of the notified Regional Offices of Madhya Pradesh and Gujarat of the Employees' State Insurance Corporation and all the employees of the Directorate (Medical) Delhi, who have obtained proficiency in Hindi, shall use Hindi alone in all official work for noting, drafting and for such other official purposes as specified in the Schedule annexed hereto with effect from the date of publication of this order in the official gazette.

2. It shall not be construed from these order that no other language will be used in the official work in the said offices, where it is necessary or essential under the said rules or any other law.

Schedule

Sl. No.	Name of Region	Branch/Division	Nature/Type of work to be done in Hindi
1	2	3	
1.	Madhya Pradesh	Administration Branch	Reference relating to :— (i) Appointment Posting/Promotion/Transfer of Staff. (ii) Scheduled Castes/Scheduled Tribes. (iii) Advances/Withdrawals from G.P.F. (iv) Forwarding of instructions received from Hqr. Office. (v) Meetings of Local Committees and Regional Board. (vi) Tour Programmes/Trainings. (vii) Leave. (viii) Quarterly/Half yearly typing tests/Open/Departmental tests for L.D.C./U.D.Cs. (ix) L.T.C. Pay/Festival/Motor Car /Cycle/Advance and encashment of Leaves. (x) Entries in Service Books.
		Cash Branch	Reference relating to :— (i) Preparation of bills. (ii) Correspondence in regard to different bills. (iii) Transfer of funds to local offices from the funds withdrawn. (iv) Settlement of amounts demanded. (v) Settlement of audit objections.
		General Branch	Reference relating to :— (i) Tenders. (ii) Purchase of stationery. (iii) Purchase and supply of books. (iv) Purchase of general articles/liveries/appliances/furniture and perishable goods etc.
		Finance & Accounts Branch	Reference relating to :— (i) Cheques. (ii) Verification of P.D.B./D.B. rates. (iii) Maintenance of cash book accounts No. 2 and Bank Reconciliation Statements.

1	2	3
	Contribution Br. & Contribution Br. (Cash)	Reference relating to :— (i) Entries in ESIC—38 register. (ii) Allotment of Blocks of Insurance Nos. to local offices. (iii) Cases of inter-regional/local Transfers of I.Ps. (iv) Despatch of Re-entitlement & Exit lists.
	Insurance II Branch	Reference relating to :— (i) Approval of rates of extended sickness benefit. (ii) Sanction of Accident cases. (iii) Correspondence in Maternity Benefit and Funeral Benefit cases. (iv) Cases referred to Medical Board assessment of permanent disablement. (v) Correspondance regarding inter-regional local transfer of the cases of permanent disablement/Dependant Benefits. (iv) Settlement of benefits of dependants. (vii) Assessment of Payment of PDB. (viii) Settlement of complaints of I.Ps. (ix) Payment of Fees of Medical Board to Doctors.
	Insurance I	Reference relating to :— (i) Issue of C-18. (vi) Group Insurance Scheme. (viii) Adverse entries in the annual confidential Reports. (ix) Forwarding of Instructions received from Hqrs. Office. (x) Sanction of special Pay. (xi) Pay fixation. (xii) Disciplinary action against Group 'D' employees.
	Cash Branch	Reference relating to :— (i) Preparation of Bills. (ii) Advance/withdrawal from GPF, enrolment and nomination forms. (iii) Correspondance regarding Bills. (iv) Writing of addresses on the envelope by the despatch sections.

1	2	3	1	2	3
Medical Branch	Reference relating to :— (i) Change of dispensaries of the Insured Persons. (ii) Complaints received from the IPs. (iii) Reminders regarding submission of monthly returns. (iv) Casual leave of the Medical officers. (v) Appointment of Medical Officers/Postings/Promotions/Transfers. (vi) Nomination for Hindi Workshops. (vii) Work relating to Ambulances. (viii) Sterilization certificates. (ix) Reimbursement of amount incurred on medicines by the IPs.		Cash Branch	Reference relating to : (i) Medical reimbursement. (ii) T.A./Tour Advance Bills. (iii) L.T.C. Bills	
			Finance & Accounts Branch	Reference relating to :— (i) Entry of Challan in Ledger/Account No. 1.	
			Insurance Branch	Reference relating to :— (i) Entry of Challan in Ledger/C.G.	
			Local Offices	Reference relating to :— Writing of Cash Books.	
Central Stores	Reference relating to :— (i) Printing of forms and Stationery. (ii) Forwarding of contingent bills to Accounts. (iii) Tenders. (iv) Writing of addresses on the envelopes to be sent to the firms. (v) Purchase of General articles/liveries/instruments/Furnitures/Perishable articles.		3. Directorate (Medical) Delhi.	Establishment Branch	Reference relating to :— (i) Appointments/Posting/Promotion/Transfer of staff. (ii) Earned Leave/Half Pay Leave/Maternity Leave/Extra Ordinary Leave. (iii) Leave Travel Concessions/Pay Fixation Festival/Cycle/Scooter/Car Advance/and encashment of Leave. (iv) Probation period. (v) Entries in the Service Books. (vi) Quarterly/Half Yearly Typewriting test/Open/Departmental L.D.C./U.D.Cs./Scheduled Castes/Scheduled Tribes. [No. E-11012/1/89-SS. I] MEENA GUPTA, Director
Fin. & A/c Branch	Reference relating to :— (i) Issue of pay slips to the officers. (ii) Follow up action relates to audit objections. (iii) Correspondence regarding the pay bills of class III & IV. (iv) Entries in the Registers.				
Dispensaries under D(M)D	Reference relating to :— (i) Complaint received from the patients. (ii) Registrations in the OPD Registers and issue of OPD slips in Hindi. (iii) Medical certificates issue to the IPS to the local officers. (iv) Correspondance regarding "Accident Reports" (v) Entries in the registers regarding effective list of I.P.S.				
2. Gujarat	Administration Branch	Reference relating to :— (i) Sanction of leave. (ii) Encashment of earned leave. (iii) Advance from G.P.F. (iv) Festival Advance. (v) Annual increment & Efficiency bar. (vi) Entries in Service Books.			

नई दिल्ली, 28 अप्रैल, 1989

का. मा. 1171 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबंध निरोधकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19 अप्रैल, 1989 को प्राप्त हुआ था।

New Delhi, the 28th April, 1989

S.O. 1177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on the 9th April, 1989.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 43/88

PARTIES :

Employers in relation to the Management of
State Bank of Patiala.
AND

Their workman.—H. K. Singla.

APPEARANCES :

For the Workman.—None.

For the Management.—Shri B. K. Gupta.

INDUSTRY : Banking

AWARD

Dated, the 16th March, 1989

On a dispute raised by Workman of State Bank of Patiala, Central Govt. had been pleaded to make the following reference vide No. L-12012/726/87-D.II(A) dated 13-7-1988 to this Tribunal :

“Whether the action of the management of State Bank of Patiala is denying seniority benefit for 28-4-1977 to 11-12-1979 to Shri H. K. Singla Cashier Sector-17 Branch, Chandigarh is justified. If not, what relief the workman is entitled to?”

2. None has put up appearance on behalf of the workman. Workman was represented on the last date in person when the proceedings were adjourned from 13-2-1989 for today i.e. 16-3-1989. Reference proceedings are therefore, filed for want of prosecution. Central Govt. be informed accordingly. Chandigarh 16-3-1989.

M. S. NAGRA, Presiding Officer

[No. L-42012/726/87-D.III. CB]

का. भा. 1178 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19 अप्रैल, 1989 को प्राप्त हुआ था।

S.O. 1178.—In pursuance of Section 17 the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following

award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on the 19th April, 1989.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 93/88

PARTIES :

Employers in relation to the Management of
State Bank of Patiala.

AND

Their workman.—Gian Pal Singh.

APPEARANCES :

For the Workman.—None.

For the Management.—Shri Dharam Pal Sharma.

INDUSTRY : Banking

STATE : Haryana

AWARD

Dated, 29th March, 1989

On a dispute raised by Workman of State Bank of Patiala, Central Govt. had been pleaded to make the following reference vide No. L-12012/126/88-D.III(A) dated 18-11-1988 to this Tribunal :

“Whether the action of the management of State Bank of Patiala in relation to their Faridabad Branch in terminating the service of Shri Gian Pal Singh w.e.f. 26-6-1986 and not giving him opportunity for his re-employment is just, fair and legal? If not what relief the workman concerned is entitled to?”

2. None has put up appearance on behalf of the workman. Workman was represented on the last date by Shri P. K. Vij when the proceedings were adjourned from 16-2-1989 for today i.e. 29-3-1989. Reference proceedings are therefore, filed for want of prosecution. Central Govt. be informed accordingly.

Chandigarh,

29-3-1989.

M. S. NAGRA, Presiding Officer.

[No. L-12012/120/88-D.III(B)]

P. V. SREEDHARAN, Desk Officer.

